NO. 83-1588

Office - Supreme Court, U.S
FILED
FEB 21 1984
ALEXANDER L. STEVAS.
CLERK

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

VIRGINIA CRAMER,

Petitioner, Plaintiff and Appellant

VS

STATE BAR OF MICHIGAN;
JOHN D. O'HAIR;
WILLIAM LEO CAHALAN;
RICHARD D. KUHN;
H. ROLLIN ALLEN, and All
Members of the State Bar
of Michigan similarly
situated,

Respondents, Defendants and Appellees

PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEALS SIXTH CIRCUIT - (No. 82-1855) AND DISTRICT COURT, ED MICHIGAN SOUTHERN DIVISION - (No. 81-73926) AND

REQUEST FOR JURY TRIAL, MONETARY DAMAGES, INJUNCTIVE, AND DECLARATORY RELIEF

Virginia Cramer
Pro se Petitioner
27314 Clairview
Dearborn Heights,
Michigan 48127
(313) 278-7286

February 1984

QUESTIONS PRESENTED FOR REVIEW

1. Whether petitioner's direct appeal in the United States Court of Appeals from the federal district court's dismissal of the entire federal action primarily of "False Arrest and False Imprisonment", 42 USCA 1983, et seq., co-conspiratorially, and as a constitutional cause of action of deprivation of liberty by violations of the prohibitive provisions and limitations of the 4th, 5th, 6th and 14th Amendments to the U. S. Constitution, and tort liability in the clear and complete absence of all jurisdiction by judicial and law enforcement officers, beyond the authority granted by any valid statute, in their personal capacities as members of the State Bar of Michigan (not publicly owned), presented one or more "not plainly frivolous" issues entitling petitioner to have her appeal reviewed

and determined on the merits by the Court of Appeals, particularly in the light of no disparity between the parties on said appeal that "False Arrest and False Imprisonment", 42 USCA 1983, et seq., does state a claim upon which relief can be granted; that the district court's memorandum opinion is fraught with erroneous, inaccurate and fallacious findings as very obvious and exceptional showing of error, absent of any testimony; and also, particularly in the light of the standards set forth by this Court in Ellis v United States (not frivolous) 356 US 674; Argersinger v Hamlin (holding inter alia "that absent a knowing and intelligent waiver, no person may be imprisoned for any offense, whether classified as petty, misdemeanor, or felony" without a trial) 407 U.S. 25, 92 S Ct 2006 (1972); Aikens v Wisconsin (motive-conduct not privileged) 195 U S 194 (1904); Yaselli v Goff, 12 F 2d 396 (2nd Cir 1926, judge held

liable for damages in acting without jurisdiction), aff'd 275 U S 503 (1927); Stump v Sparkman (1978) not controlling: i.e., not to expectations of parties and petitioner's refusal to participate by "failing to voluntarily appear" in absence of jurisdiction, 435 U S 356, 98 S Ct at 1104; McMann v Richardson (lack of power, i.e., to bring charges in absence of complaining party or complaining witness) 397 U S 759, 90 S Ct 1441 (1970); and by the standards of related cases of the several circuits of the federal court of appeals in Harper v Merckle (illegality) 638 F 2d 1229 (7th Cir 1980); McAlester v Brown (required factors for jurisdiction) 469 F 2d 1280 (5th Cir (1972); Rankin v Howard (personal jurisdiction and subject-matter jurisdiction conjunctional, both must be met) 633 F 2d 844 (9th Cir 1980); Zarcone v Perry (judge solely invoked judicial power, i.e., Harper v

Merckle, supra; judge solely invoked his power for personal objectives, non-judicial act) 572 F 2d 52 (2nd Cir 1978); and the standards intended by the 1974 amendment to the Federal Tort Claims Act, Act of March 16, 1974, Pub.L. 93-253, 88 Stat. 50, and Norton v U. S., (CA 4th 1978) 581 F 2d 390, cert den 99 S Ct 613, 439 US 862; 28 USCA 2680 (h) and other related standards in Monell v Department of Social Services (1978) 436 U S at 690, 98 S Ct at 2035 "persons" under 42 USCA 1983, et seq.; U. S. v LePatourel (judiciary covered as employees) 571 F 2d 405 (modified C.A.8th, 1979, 593 F 2d 827); U. S. v Orleans (1976) (independent ground of jurisdiction, 42 USCA 1983, et seq.) 92 S Ct 1971, 425 U S 867; pertaining to tort liability, absence of jurisdiction, lack of power, absence of immunity, "persons" liable under 42 USCA 1983, et seq., and related matters, i.e. jurisdiction over subject-matter and person, both must be met.

2. Whether the Sixth Circuit Court of Appeals' refusal to determine petitioner's appeal on the merits constitutes an unconstitutional (under the Due Process and Equal Protection Clauses of the 14th Amendment to the U. S. Const.) or unlawful or otherwise invidiously discriminatory practices against a person representing herself -- particularly in the light of both plaintiff's (petitioner herein) and all defendants' pleadings showing that "she failed to appear before the Defendant-judges" in conflict and in contrast to the erroneous, inaccurate and fallacious findings of the federal district court and denial of rehearing thereon as very obvious and exceptional showing of error having particular force and effect in points of law -- particularly in the light of the court of appeals panel assignment of the instant case on Tuesday, November 15, 1983 and disposition of voluminous record on Monday, November 21, 1983 (per docket

entries) or three (3) to four (4) working days being insufficient and impossible time-period for proper review of record on direct appeal; particularly in the light of Faretta v California (1975) Slip Opinion No. 73-5772, U S Supreme Court, and the 4th and 6th Amendments to the U. S. Constitution, when the issues presented by petitioner's appeal are issues of a type which clearly would be reviewed and determined by the court of appeals on the merits in a comparable case presented by a competent and honest attorney if one could be found and available for the instant case. (After diligent and extensive search, such an attorney could not be found.) For instance, "75% to 90% of American trial lawyers are incompetent, or dishonest, or both" according to Chief Justice Warren Burger of the United States Supreme Court: see, Trial Lawyer's Guide, 1971, pp 108-109. Also, according to March 11, 1981,

U.S. News & World Report survey of judges, only 4% of American lawyers are competent. Further, see "A Sick Profession", 5 Tulsa L J 1, January 1968, Judge Warren E. Burger. See, also, Rosenberg: Stump v Sparkman: (1978) 435 US 356, 98 S Ct at 1104; Doctrine of Judicial Impunity (An invitation to judicial lawlessness) 1978, Vol 64: 833 Virginia Law Review.

3. Whether suitor-State Bar of Michigan (a private club), not publicly owned, not tax-supported, and its attorney-members, in the absence of a geographical status of municipality, county or state, are absolutely immune under the 11th Amendment to the U. S. Const. and 42 USCA 1983, et seq., as to intentional tort liability of false arrest and false imprisonment by the instigation and initiation of improper litigation materials and the 1981 procurement and enforcement of constitutionally void ex parte orders coram non judice (before one not a judge)

in the clear and complete absence of all jurisdiction, in the wrong jurisdiction, usurping the power of the State Supreme Court (see companion case, State Bar v Cramer (1976-77) 399 Mich 116-161, and not remanded (40 copies appended)), and the resulting co-conspiratorial plot between county circuit court judges of different counties acting in the clear and complete absence of all jurisdiction, in conflict with the provisions, limitations and bans of the State and Federal Constitutions, specifically:

(a) The due process and equal protection clauses of the 14th Amendment;

(b) The deprivation of liberty ban of the 5th Amendment by violations of the 4th and 14th Amendments;

(c) The provision in the First Amendment (freedom of speech or expression and peaceful assemblage) made applicable to the States by the Fourteenth Amendment, protecting persons from "state action" or exertion

of power for personal objectives of government agents or employees who are also members of the bar association in their personal capacities, and who force the general public to hire lawyers to generate litigation-business and fees for other members of the bar in conflict with the Michigan State Constitution, Art. I, Sec. 13, and in conflict with statutory provisions of MCLA 600.1430; MSA 27A.1430;

(d) The provisions in the Fourth Amendment (search and seizure) made applicable to the States by the Fourteenth Amendment, protecting persons from non-judicial acts of judicial officers using the judicial capacity to vindicate personal objectives, in perversion of camaraderie, in the absence of any party invoking the judicial machinery as to any dispute; - - - - - in conflict with the standards set down in Aikens v Wisconsin (motive-conduct not privileged) 195 U S 194 (1904); Yaselli v Goff (judge held liable for damages, in acts absent of jurisdiction) 12 F 2d 396

(2nd Cir 1926), Aff'd 275 U S 503 (1927); Stump v Sparkman, supra; Harper v Merckle, supra; Zarcone v Perry, supra; Rankin v Howard, supra; and other related cases, e. g., Ex parte Virginia, 100 US 339; Mitchum v Foster, ("state action"" 407 U S 225; 42 USCA 1983, et seq., Shelley v Kraemer (1948) prohibiting judicial enforcement of restrictive conditions, 334 US 1.

4. Whether the State Bar of Michigan (a private club) is entitled to claim sovereign immunity under the 11th Amendment to the U. S. Const., in conflict with the standards of Moose Lodge No. 107 v Irvis, 407 U S 163 (holding that discriminatory practices of a private club could not be attributed to the state merely because the state regulated the club and conferred benefits to it in the form of "licensing"), when the tort action of False Arrest and False Imprisonment occurred by, specifically:

(a) action by court officers beyond their statutory powers;

(b) even though within scope of their authority, powers themselves or manner in which they are exercised are constitutionally void; and

(c) that under the Rules Concerning State Bar of Michigan "waiver of immunity" is expressed and implied by grant of power to sue and be sued, as made applicable by the provisions and limitations of the Due Process and Equal Protection clauses of the 5th and 14th Amendments to the U. S. Constitution.

(d) That the members of the State Bar of Michigan are not licensed by the State.

5. Whether petitioner is entitled to jury trial and monetary damages for intentional tort of "False Arrest and False Imprisonment" for injuries to person, property and business.

6. Whether petitioner is entitled to injunctive relief against the State Bar of

Michigan members, as follows:

"A. Ordered and Adjudged that the members of the State Bar of Michigan, as applicable, the said defendants, their agents, representatives, employees and attorneys be restrained and enjoined from:

1. Harassing, hasseling, annoying, molesting and/or otherwise interferring and/or meddling with the trade and business of persons exercising their constitutional right of self-help and self-representation;

2. Denying and/or preventing access to information, forms, instructions, documents, typewriting assistance, filing assistance and services to individuals seeking to exercise their guaranteed constitutional right of self-representation in the courts of the State of Michigan;

3. Initiating or attempting to initiate and/or assisting to initiate any proceedings against Plaintiff-Virginia Cramer in the absence of a complaining witness, in the absence of probable cause, and/or in the

absence of real party in interest;

4. Harassing, hasseling, annoying or molesting any members of the general public utilizing services of the trade and busi= ness of Virginia Cramer, Plaintiff herein;

5. Engaging and/or assisting in engaging in a plot to prevent, interfere with, restrict or preclude the proper effectiveness in the aid of administration of justice;

6. Engaging and/or assisting in engaging in a plot and/or conspiracy against or inter- ferring with the trade or business of enabling persons of the general public to exercise self-representation;

7. Engaging in other conduct or miscon- duct contrary to the primary best interests and protection of the general public with regard to self-help and self-representation and services therefor;

8. Enforcing or attempting to enforce a judgment or Order which orders nothing. (inter alia) * * * ."

7. WHETHER THE PETITIONER AND THE GENERAL PUBLIC ARE ENTITLED TO DECLARATORY RELIEF IN THAT THEY SHALL NOT BE FORCED TO HIRE A LAWYER AND BE VICTIMIZED BY AND/OR BE SUBJECTED TO THE FUNDAMENTAL CHARACTER OF THE LACK OF QUALITY OF PERSONS IN THE LEGAL PROFESSION.

8. Whether the lower court judiciary, on behalf of themselves or on behalf of the State Bar of Michigan, have the power to enforce:

(a) An injunctive order which prima facie orders nothing;

(b) An injunctive order affirmed, retained and/or terminated and not remanded by the state supreme court;

(c) Ex parte orders procured or issued against a person in the absence of subject-matter jurisdiction;

(d) Ex parte orders procured or issued against a person in the absence of personal jurisdiction;

(e) Bench Warrants for the arrest of a person who intentionally "failed" to voluntarily appear on ex parte orders procured or issued without a hearing thereon; and thus,

(f) Constitutionally void orders by an arrest and imprisonment of a person when that person intentionally "failed" to appear because she knew she would be dealing with judges who had no subject-matter jurisdiction and no personal jurisdiction over said person.

The ultimate question presented is whether the district court and the Sixth Circuit court of appeals erred in determining that absolute immunity is applicable as to Tort liability of "False Arrest and False Imprisonment in the absence of both personal and subject-matter jurisdiction" as failure to state a claim upon which relief can be granted (FRCP 12 (b) (6)), and involves whether the judiciary may exert such power

in the courts so as to deny the general public and your petitioner access to the courts and relief sought unless represented by an attorney in civil actions and in conflict with Michigan Constitution, Art. I, Sec. 13 and statutory provisions of MCLA 600.1430; MSA 27A.1430; and by engaging in invidiously discriminatory practices to invalidly protect the legal profession in conflict with the provisions in 7 CJS 727, Practice of Law,

> " * * * In the enactment of statutes * * * the Legislature will be held to have intended only to protect the general public from exploitation, and not to protect the legal profession, especially since any such attempt of the latter would be invalid. * * * " (emphasis added) See, People v Black, 282 NYs 197, 156 Misc 516.

and in conflict with,

> "No presumption of innocence or improbability of wrongdoing exists in favor of the attorney." 7 Am Jur 2d, Attorneys at law, at 95;
>
> "he must refrain from doing an intentional wrong to the adverse party." 7 Am Jur 2d, Attorneys at law, at 4.

The main thrust of this action is that

petitioner was arrested and imprisoned for her refusal to participate and her intentional "failure" to appear voluntarily on constitutionally void ex parte orders, issued or procured coram non judice (before one not a judge) withouta hearing thereon, when your petitioner knew she would be dealing with judges who were acting ultra vires (beyond authority) or non-judicially, on classic hearsay (in "Cramer's" absence), in the clear and complete absence of personal jurisdiction and subject-matter jurisdiction, in the absence of issuance of Summons, in the absence of complaint and/or complaining party, absent of affidavit and service of process, absent of any specifics, absent of any showing of probable cause, and that the members of the State Bar of Michigan (lawyers and judges in their personal capacities) procured and issued constitutionally void ex parte orders and bench warrants in the clear and complete absence of all jurisdiction to bait, entrap, intimi-

date, coerce and/or force your petitioner to submit voluntarily to the county circuit court jurisdictions (Wayne County and Oakland County) to besiege her with litigation as dirty back-alley tactics, beyond the officials authority because the state cannot lawfully authorize its officials to violate the constitution, and usurping the power of the state supreme court in retention of an injunctive order affirmed but not remanded to any lower court obviously because the so-called injunctive order (dated January 5, 1973) prima facie orders nothing.

See, companion case, State Bar v Cramer, 1976-1977, 399 Mich 116-161 (copies appended); see, "Judgment for Plaintiff (State Bar) and Injunctive Order" dated January 5, 1973, in Petitioner's Appendix (tan cover).

9. Whether the judge of the district court and/or one or more of the judges of the court of appeals should have raised the issue of "judge's disqualification" when the judge's impartiality might reasonably

be questioned in a proceeding in which the judge

(a) is interested as a party and has regarded himself as one of the members of the autonomous political subdivision "The State Bar of Michigan", one who is "similarly situated", and

(b) is personally biased or prejudiced against a party-plaintiff and for a party-attorney (H. Rollin Allen, individual-defendant) and

(c) is a "United States officer" (but attorney-H. Rollin Allen, individual-defendant is not a United States officer) and thus, the district court judge improperly set aside the clerk's entry of default against defendant-H. Rollin Allen in the absence of a motion by the individual-defendant-H. Rollin Allen, in the absence of a showing of good cause, in the absence of a showing of a meritorious defense;

and in conflict with FRCP Rule 6. Time (b) Enlargement; FRCP Rule 12 (a) 20 days time;

FRCP Rule 55 Default (a) Entry, (b) Judgment; (c) Setting aside default; FRCP Rule 56 Summary Judgment (e) form of affidavits; further testimony; Defense Required * * * "affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, * * * ."

LIST OF RESPONDENTS, DEFENDANTS, APPELLEES

H. Rollin Allen, Member of Unauthorized Practice of Law Committee, State Bar of Michigan

John D. O'Hair,[1/] (former Judge of the Wayne County Circuit Court) Member of the State Bar of Michigan

William Leo Cahalan, (Judge of the Wayne County Circuit Court) Member of the State Bar of Michigan

---

1/ This federal action against Defendant, Judge John D. O'Hair was commenced on October 21, 1981; John D. O'Hair resigned from the Wayne County Circuit Court bench on May 1, 1983.

Richard D. Kuhn, (Judge of the Oakland County Circuit Court) Member of the State Bar of Michigan

The State Bar of Michigan and All Members of the State Bar of Michigan similarly situated

NOTE: the above list excludes the following: United States court employees (federal), Michigan State Supreme Court members, Michigan Court of Appeals members, Attorney Grievance Commission members, Attorney Discipline Board members, Michigan Judicial Tenure Commission members.

TABLE OF CONTENTS

		page
QUESTIONS PRESENTED FOR REVIEW		1-20
LIST OF RESPONDENTS, DEFENDANTS, APPELLEES		20-21
OPINIONS BELOW		23
JURISDICTION		25
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED		26
STATEMENT		28
REASONS FOR GRANTING THE PETITION		46
CONCLUSION		62
VOLUME II		
EXHIBIT A	Injunctive Order 1/5/73	66
EXHIBIT AA	Remittitur of Discontinuance 1/20/77	70
EXHIBIT AAA	Docket Entries, State Case No. 72-218-571-CZ	72
EXHIBIT AA-1	Ex Parte Motion Filed 2/17/81	76
EXHIBIT AA-2	Ex Parte Order Filed 2/17/81	78
EXHIBIT AA-3	Ex Parte Motion Filed 3/13/81	80
EXHIBIT AA-4	Ex Parte Order 3/13/81	82
EXHIBIT AA-5	Ex parte Order 3/13/81 True Copy	84

		page
EXHIBIT AA-6	Warrant 4/29/81	86
EXHIBIT AA-7	Order for Bond 6/5/81	88
EXHIBIT B-1	Special and Limited Appearance in pro per Filed 7/13/81 - Notice, Motion to Quash, Brief	89
EXHIBIT B	Letter 2/24/76 to Judge Kuhn and others	99
EXHIBIT C	Letter 10/5/81 by H. Rollin Allen	103
EXHIBIT D	Proposed Judgment, Not Signed	104
EXHIBIT E	Affidavit of W.Neville Filed 11/13/81 No. 81-73926	107
EXHIBIT B-2	Docket Entries Seaholm v Seaholm Horn v Horn Judge Kuhn	 111 112
EXHIBIT B-3	Ex Parte Order 4/4/75	114
EXHIBIT B-4	Return No filing date	116
EXHIBIT B-5	Order for Bench Warrant issued 4/9/75	117
EXHIBIT B-6	Order for Cancellation of Bench Warrant Filed 6/19/81	119
EXHIBIT B-7	Ex Parte Order Filed 5/9/75	120
EXHIBIT B-8	Return on Service If Not Found 5/16/75	122
EXHIBIT B-9	Order for Substituted Service - filed 6/3/75	123

		page
EXHIBIT B-10	Order for Bench Warrant no filing date	125
EXHIBIT B-11	Order for Cancellation of Bench Warrant Issued 11/23/77 Filed 6/19/81	127
EXHIBIT BB	Letter to R. Hadley 3/13/81 from H. Rollin Allen	128
VOLUME III		
TRANSCRIPT	Proceedings 1/25/82 U. S. District Court No. 81-73926	129 - 190

TABLE OF AUTHORITIES

CASES: page

Aikens v Wisconsin (1904) 195 US 194 2, 9

Argersinger v Hamlin, 407 US 25, 92 S Ct 2006 (1972) 2

Augusta Medical Comp. Inc. v Blue Cross of Kan (Kan 1980) 608 P2d 890 56

DeKuyper v DeKuyper, 365 Mich Rep 487 44

Duba v McIntyre, 501 F 2d 590 (8th Cir 1974) 44

Ellis v United States, 356 US 674 2

Ex Parte Virginia, 100 US 339 10

Faretta v California (1975) Slip Opinion No. 73-5772 6

Harper v Merckle (7th Cir 1980) 638 F 2d 1229 3, 44, 48

In re Wellman, 3 Kan App 100, 45 P 726 (1896) 45

Lopez v Vanderwater, 620 F 2d 1229 (7th Cir 1980) 45

Moose Lodge No. 107 v Irvis 407 US 163 10

Maness v Meyers, 419 US 449 (1975) 44

McAlester v Brown (5th Cir 1972) 469 F 2d 1280 3

McMann v Richardson (1970) 397 US 759 90 S Ct 1441 3

Mitchum v Foster, 407 US 225 10

page

Monell v Dept of Soc Ser (1978)
436 US at 690, 98 S Ct at 2035 4

Morris v Radley, (1943) 306 Mich 689
11 NW 2d 291 54

Norton v U. S. (CA 4th 1978)
581 F 2d 390, cert den 99 S Ct 613 4

People v Black, 282 NYS 197
156 Misc 516 16, 58

Rankin v Howard (9th Cir 1980)
633 F 2d 844 3, 44, 48

Rammage v Kendall, 168 Ky 26,
181 SW 631 45

Ryan v Scoggin, 245 F 2d 54
(10th Cir 1957) 44

Scheuer v Rhodes, 416 US 232 (1974) 60

Shelley v Kraemer (1948) 334 US 1 10

Smyth v Lubbers (6th Cir) 1974
390 F Supp 777 59

State Bar v Cramer (1977) 8, 18, 54
399 Mich 116-161 (copies appended)

Stump v Sparkman (1978) 435 US 356
98 S Ct at 1104 3, 47

United States v (United) Mine Workers
330 US 258, 67 S Ct 677 (1947) 44

U. S. v LePatourel, 571 F 2d 405 (1978)
(modified CA 8th 1979)
593 F 2d 827 4

U. S. v Orleans (1976) 425 US 867
92 S Ct 1971 4

Watkins v Dunbar (Ill 1925) 149 NE 14 45, 57

Yaselli v Goff, 12 F 2d 396 (2nd Cir 1926)
Aff'd 275 US 503 (1927) 2, 3, 50

page

Parson v Kerry, 572 F 2d 52 (2nd Cir 1978) 3, 4, 45

CONSTITUTION, STATUTES, RULES

1st, 4th, 5th, 6th, 14th Amendments 1, 5, 8

11th Amendment 7

28 USCA 2680 (h)
Federal Tort Claims Act (Amended)
March 16, 1974, Pub. L 93-253
80 Stat. 50 4

28 USCA 1343 25, 26

42 USCA 1983, et seq 1, 7, 25, 25, 42

Federal Rules Civil Procedure
Rule 6 (b) 19

Rule 12 (a) 19

Rule 12 (b) (6) 15

Rule 55 (a) 20

Rule 56 20

Michigan Const. 1963,
Art I, Sec 13 9, 16

Michigan Statutes
MCLA 600.1430 9, 16, 27

MCLA 600.1901 45

MCLA 600.1905 45

MCLA 600.1912 27

MCLA 600.1815 27

MCLA 600.1711 27, 49

Michigan Court Rule 760.1 27, 49

page

TEXTS

5B CJS, Appeal and Error, 1958, 1959, 1962 — 54

7 CJS 727, Practice of Law — 16, 58

7 Am Jur 2d, Attorney at law, at 4, at 95 — 16

59 Am Jur 2d, Parties, at 1, 11, 192 — 45

MISCELLANEOUS

Trial Lawyer's Guide, 1971, pp 108 — 6

U. S. News & World Report survey of judges, March 11, 1981 — 6

A Sick Profession, 5 Tulsa L J 1, January 1968 — 7

Rosenberg: Stump v Sparkman (1978) Doctrine of Judicial Impunity (An invitation to judicial lawlessness) Vol 64:833 Va L R — 7

RULES CONCERNING STATE BAR OF MICHIGAN
Rules 1, 5 and 16 — 27, 57

NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

VIRGINIA CRAMER,

Petitioner, Plaintiff and Appellant,

VS

STATE BAR OF MICHIGAN;
JOHN D. O'HAIR;
WILLIAM LEO CAHALAN;
RICHARD D. KUHN;
H. ROLLIN ALLEN, and All
Members of the State Bar
of Michigan similarly
situated,

Respondents, Defendants and Appellees.

To the Chief Justice and Associate Justices of the Supreme Court of the United States:

Virginia Cramer in propria persona petitions for a writ of certiorari to review the memorandum opinion of the district court, the orders of dismissal of the entire action, the order affirming by the Sixth Circuit Court of Appeals in this case.

OPINIONS BELOW

The order and erroneous opinion of the Sixth Circuit Court of Appeals, No. 82-1855, filed November 21, 1983 is not per curiam and is not officially reported. See, separate volume (tan cover) Petitioner's Appendix, APPENDIX A, pp. 1 and 2, also issued as Mandate, December 29, 1984 (repeat 1984 date). Order denying stay of mandate was entered on December 27, 1983, APPENDIX B, p. 3. See Petitioner's Appendix (tan cover)

The erroneous memorandum opinion and erroneous finding of fact with erroneous conclusions of law by the U. S. District Court (No. 81-73926) was filed on July 1, 1982, APPENDIX D, pp. 6 - 25. Subsequently, Orders of dismissal as to all defendants were filed on July 7, 1982, July 12, 1982 and July 20, 1982 in the district court, APPENDIX E, APPENDIX F, APPENDIX G, pp. 26, 27 and 28, "Petitioner's Appendix".

Timely motion for rehearing was denied by the district court; memorandum opinion

filed on October 12, 1982, APPENDIX H, pp. 29 - 31; together with "Order Amending Memorandum Opinion of June 30, 1982" also filed on October 12, 1982, APPENDIX I, p. 31.

Subsequently, Orders denying rehearing were filed on October 14, 19 and 21, 1982; APPENDIX J, APPENDIX K, APPENDIX L, pp. 32, 34 and 35; None are reported.

Order denying "Remand" of State case of the Wayne County Circuit Court, No. 72-218-571-CZ, was filed on October 18, 1982. APPENDIX S, p. 89, and is not reported.

A companion case, State Bar of Michigan v Cramer (not remanded) reported at: 399 Mich 116-161, is substantially involved, photocopies (40) of which are separately appended together with "Petitioner's Appendix" (tan cover) hereto. The case was heard by only six (6) justices [2/] of the Michigan Supreme Court. Remittitur of discontinuance

---

2/ (former) Associate Justice John B. Swainson (also formerly Governor of State of Michigan) disbarred and ousted from the Michigan Supreme Court (1976) involving bribery.

was issued January 20, 1977. See, EXHIBIT AA, infra, pp. 70-71.

JURISDICTION

The final order of the Sixth Circuit Court of Appeals (APPENDIX A) is dated November 21, 1983. The jurisdiction of this court is invoked under 28 USC 1254 (1) and 42 USCA 1983, 1985, 1986 and 1988. APPENDIX FF, APPENDIX GG, APPENDIX HH, pp. 163, 165, 166.

Original jurisdiction in the district court invoked under 28 USCA 1343, together with 42 USCA 1983, et seq. (See APPENDIX EE, p. 161.)

Petitioner has no parent companies, subsidiaries or affiliates. Also, respondents State Bar of Michigan submitted their "Disclosure of Corporate Affiliations and Financial Interest" in the negative, as Ordered by the Sixth Circuit Court of Appeals, No. 82-1855, on May 4, 1983; that the State Bar of Michigan is not a subsidiary or affiliate of a publicly owned corporation and that there is no publicly owned corporation with

a substantial financial interest not a party to the appeal. (See, Items 13 and 14, Docket Entries, C.A. No. 82-1855.) See, "Order" filed May 4, 1983, APPENDIX C, p. 4.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

First, Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution, in relevant parts, as shown in "Petitioner's Appendix" (tan cover) are involved; also, see Amendments Eight, Nine and Ten to the U. S. Constitution relevant herein; APPENDIX AA, APPENDIX BB, APPENDIX CC, APPENDIX DD, pp. 158, 159, 160, 161 of "Petitioner's Appendix".

The Eleventh Amendment to the United States Constitution, erroneously claimed by respondents State Bar of Michigan and in error by the district court, is shown at APPENDIX CC, p. 160.

Federal statutory provisions involved are 28 USCA 1343, 42 USCA 1983, 1985, 1986 and 1988, Federal Rules of Civil Procedure,

Rules 12 and 56. APPENDIX EE, APPENDIX DD, APPENDIX GG, APPENDIX HH, APPENDIX II, pp. 161 - 169.

Michigan Constitution of 1963, Art. I, Sec. 13; Michigan Statutory provisions, MCLA 600.1430; MSA 27A.1430; MCLA 600.1901; MSA 27A.1901; MCLA 600.1905; MSA 27A.1905; MCLA 600.1912; MSA 27A.1912; MCLA 600.1815; MSA 27A.1815; MCLA 600.1711; MSA 27A.1711; (Revised Judicature Act, Michigan Compiled Laws Annotated and Michigan Statutes Annotated) are involved as shown in Petitioner's Appendix (tan cover), together with Michigan General Court Rules 760.1, 865 and 866, and "Rules Concerning State Bar of Michigan" Rules 1, 5 and 16 -- APPENDIX JJ, KK, LL, MM, NN and OO, pp. 169 - 176.

MCLA 600.916; MSA 27A.916 erroneously claimed by defendants and the district court is shown at APPENDIX PP, p. 177, but is <u>not</u> involved.

STATEMENT

BACKGROUND OF FACTS

In 1973, suitor State Bar of Michigan, an autonomous political subdivision, a private club of lawyers and judges (a public body corporate, not publicly owned, not tax-supported) obtained a "Judgment for Plaintiff (State Bar) and Injunctive Order", Case No. 72-218-571-CZ, in the Wayne County Circuit Court, against "Cramer" and others. A fair reading of said "injunctive order" dated January 5, 1973, signed by Judge John D. O'Hair, shows that it prima facie orders nothing. See, EXHIBIT A, appended, infra, p. 66.

Subsequently, "Cramer" (Petitioner herein) was found in contempt of said "injunctive order", fined and jailed various and numerour times and her office was "pad-locked", by Judge John D. O'Hair, Defendant herein. Ultimately, "Cramer" alone appealed. The Michigan Supreme Court affirmed the injunctive order together with one contempt, re-

versing the other contempts, and did not remand the case, nor any part of it, to any other jurisdiction. See, companion case, State Bar v Cramer, 1976-1977, reported at 399 Mich 116-161, photocopies annexed to "Petitioner's Appendix" hereto.

Rehearing was not sought. Remand was not requested. Remittitur of discontinuance was filed January 20, 1977, EXHIBIT AA, infra, p. 70; MGCR 865 and 866, APPENDIX NN, p. 174.

No mandate was filed in the Wayne County Circuit Court and the original record of Civil Action No. 72-218-571-CZ was not returned to the lower court following the perfected appeal in the Michigan Supreme Court, as pertaining to "Cramer".

In the interim, defendant-respondent attorney-H. Rollin Allen, co-conspiratorially with various and several county circuit court judges of different counties in the State of Michigan, have been "ambulance-chasing", in effect, and soliciting directly to numerous individuals who sought to exer-

cise their guaranteed constitutional right of self-representation (Michigan Constitution of 1963, Art I, Sec 13 and MCLA 600. 1430; MSA 27A.1430, pp. 169-170 Petitioner's Appendix), but who were intimidated, harassed and hassled by court officers in various ways. For example, see EXHIBIT BB, letter to Rosetta Hadley, dated March 13, 1981, EXHIBIT BB, infra, p. 126. See, also, Transcripts of proceedings (1972-1980) Sykes v Sykes, Hudson v Hudson, Austin v Austin, Chapman v Chapman, APPENDIX W, APPENDIX X, APPENDIX Y and APPENDIX Z, pp. 128 - 157.

The bar association members have never been able to find a person to sue "Cramer", although they have solicited for this purpose of besieging "Cramer" with litigation, for more than ten (10) years.

Also, in the interim of 1975, Judge Richard D. Kuhn, defendant-respondent herein, had issued constitutionally void ex parte orders against "Cramer" and misdemeanor bench warrants for "Cramer's" arrest, "for failure to appear" in the cases of Seaholm

v Seaholm No. 74-115-277-DO, and Horn v Horn No. 75-121954-DO, Oakland County Circuit Court. See, Docket Entries of these two cases shown in EXHIBIT B-2, infra, p. 109 - 110.

The said constitutionally void orders and bench warrants, issued by Judge Richard D. Kuhn (Oakland County) were entered as liens on "Cramer's" vehicle operator's license in 1975 and remained for "State-wide pick-up" until sometime in 1981. "Cramer" was arrested and jailed on June 12, 13, 14 and 15, 1981 in the Wayne County Jail and Oakland County Jail. See, APPENDIX T and U, pp. 90 - 101, Transcripts of 6/5/81 and 6/12/81.

Also, in 1975, Judge Richard D. Kuhn purposefully caused or affirmatively encouraged the dispatch of seven (7) government vehicles filled with personnel of the Oakland County Sheriff's office and the Dearborn Heights City police and detectives on execution of his bench warrant issued in the case of Seaholm v Seaholm for "Cramer's" arrest. TR-26 and TR-27, January 25, 1982, Transcript, infra, pp. 129 - 190. Also, EXHIBIT in

Volume III of Appellant's Appendix, page 360, U.S. Court of Appeals No. 82-1855 "General Case Report, Dearborn Heights Police Dept. Assisting Oakland County Sheriff, dated April 10, 1975."

In February and March, 1981, without a remand by the Michigan Supreme Court in the 1976-1977 companion case of State Bar v Cramer, supra, attorney-H. Rollin Allen procured ex parte orders issued by Judge John D. O'Hair and Judge William Leo Cahalan, Wayne County Circuit Court, without a hearing thereon. See, State Case Docket Entries involved, EXHIBIT AAA, infra, p. 72.

"Cramer" did not appear and intentionally disregarded the ex parte orders, because she knew she would be dealing with judges who had no subject-matter jurisdiction and were absent of personal jurisdiction over "Cramer", in the lower court. On April 29, 1981, Judge O'Hair issued a bench warrant for "Cramer's" arrest when she "failed to voluntarily appear" on April 24, 1981. EXHIBITS AA-6, AA-7, infra, p. 86; and see, Transcript of proceedings had

on June 5, 1981, APPENDIX T, pp. 90 - 96, and in part, as follows: (Quotation)

> "THE COURT: (Judge O'Hair) It seems to me that we have to have her assurance in Court, either on a voluntary basis or an involuntary basis and the former has not proved at all, so it seems that the latter course is necessary."

On June 12, 1981, "Cramer" was arrested at her residence in Dearborn Heights, Michigan and transported to Detroit, Michigan, and forcibly brought into Judge O'Hair's courtroom at approximately 3 P. M. See, Transcript of June 12, 1981, APPENDIX U, pp. 97 - 101, in part, as follows: (Quotation)

> "THE COURT: (Judge O'Hair) You are brought in on the warrant as a result of your failure to respond to the Court's order to show cause. * * * There is a problem that has been brought to my attention. * * * In addition to the warrant I issued, two have been issued out of the Oakland County Circuit Court and they have holds for you in the event you are arrested * * * You are not going to get out of jail.
>
> * * *
>
> "MRS. CRAMER: There is no case pending in the Oakland County Circuit Court that would name anyone to make me a party to any kind of action in the Oakland County Circuit Court. There is no jurisdiction in the Oakland County Circuit Court and I claim

likewise, there is no jurisdiction in the Wayne County Circuit Court.

"THE COURT: You are not asked to. * * *

"MRS. CRAMER: Your Honor has been charged with exceeding his jurisdiction in the Michigan Supreme Court. I am sure you had an opportunity to read the pleadings.

"THE COURT: Mrs. Cramer, the hearing is over."

On June 12, 1981, "Cramer" deposited $1,000 cash "bond" with the Wayne County Jail, for her release pending the date set by Judge O'Hair as June 17, 1981. However, "Cramer" was not released; instead, she was jailed in the Wayne County Jail to await the arrival of the Oakland County Sheriff's deputies who, at about 7 P. M. arrested "Cramer" at the Wayne County Jail and transported her to the Oakland County Jail, in Pontiac, Michigan. "Cramer" was booked, fingerprinted, mugged, deprived of her liberty, clothes, personal effects, money, jewelry, purse, and jailed on June 12, 13, 14 and 15, 1981.

On June 15, 1981, at approximately 11 A.M. (Monday) "Cramer" was forcibly brought, handcuffed, chained and shackled, into Judge Rich-

ard D. Kuhn's courtroom (Oakland County).

"Cramer" had never before been in Judge Kuhn's presence or in his courtroom; not on any occasion. Judge Kuhn did not "examine" "Cramer" on anything. (See, EXHIBIT B, infra, p. 99, Letter dated February 24, 1976, to Judge Kuhn and others.)

After about an hour, "Cramer" was taken back to the Oakland County Jail and released at approximately 3 P. M. at the rear of said Jail, on June 15, 1981.

On June 17, 1981, "Cramer" expected restitution of her $1,000 (cash) "bond", so she showed up in Judge O'Hair's courtroom at 9:00 A.M. for that purpose and that only. However, the $1,000 cash was not refunded to her until on August 11, 1981, where Judge O'Hair adjourned the matter to August 11, 1981. In the interim, "Cramer" did not respond to the State Bar's (H. Rollin Allen's) motions and amended motion (Wayne, No. 72-218-571-CZ) and on July 13, 1981 "Cramer" filed her "Special and Limited Appearance, In Propria Persona" with her Motion to Quash

Service and to dismiss for lack of jurisdiction, in the Wayne County Circuit Court. See, EXHIBIT B-1, infra, p. 89. Also, see EXHIBIT D, infra, p. 104, not signed, not entered. Further, see EXHIBIT E, infra, p. 105, "Affidavit of William W. Neville" filed in the federal district court on November 13, 1981. It appears that Judge O'Hair contemplated jailing "Cramer" again, for 30 days, unless she paid money to Mr. Neville who did not ask for anything, who did not want anything from "Cramer".

See, EXHIBITS B-3, B-4, B-5, B-6, B-7, B-8, B-9, B-10 and B-11, infra, pp. 112-125, which includes the constituionally void orders and bench warrants issued by Judge Richard D. Kuhn, without a hearing thereon, in the absence of personal jurisdiction and in the absence of subject-matter jurisdiction, as pertaining to "Cramer". Also, no affidavits were filed or served, no summons issued, no complaints filed, no amended complaints or allegations were filed, no notice of hearing was filed, as pertaining to "Cramer".

Further, see EXHIBITS AAA, AA-1, AA-2, AA-3, AA-4, AA-5, AA-6, AA-7, infra, pp. 72 - 88, and EXHIBIT D, p. 104, in connection with EXHIBIT E, p. 105, "Affidavit of William W. Neville" in part, as follows: (Quoting)

> "1. That he is the William W. Neville who was subpoenaed by H. Rollin Allen as the attorney for the State Bar of Michigan for proceedings held in the Wayne County Circuit Court, State of Michigan, before the Honorable John D. O'Hair on August 11, 1981.
>
> "2. That he appeared and gave testimony on said date of August 11, 1981, in the said proceedings before the said Honorable John D. O'Hair.
>
> "3. That he has read the transcript of the proceedings of August 11, 1981, before the Honorable John D. O'Hair as appears to be submitted and filed in the United States District Court, Docket No. 81-73926 attached to the pleadings of H. Rollin Allen under date of October 30, 1981.
>
> "4. That pertinent herein is the Honorable John D. O'Hair's statement on pages 7 and 8 of the herein aforementioned transcript of August 11, 1981, as follows:
>
> > "She is also to forthwith pay into the Court, a sum of $95.00. That fee that she charged Mr. Neville for rendering service, immediately. * * * Prepare a proposed order, Mr. Allen. If the $95 is not paid within the five days as ordered, Mrs. Cramer is to be committed to the Wayne County Jail."

"5. That your affiant herein noticed that the said herein described transcript of August 11, 1981, as submitted and attached to the copies of pleadings by H. Rollin Allen, omits the testimony of said William W. Neville, affiant herein.

"6. That your affiant did not request any refund of any moneys as pertaining or relative to or involving this matter; that he does not want any repayment or refund or reimbursement of any moneys pertaining or relative to or involving this matter.

"7. That your affiant did not authorize anyone to request any refund to him of any moneys involving this matter.

"8. That your affiant believes that the attorney-H. Rollin Allen has unduly imposed upon and harassed your affiant; that your affiant did not and has not engaged the services of H. Rollin Allen; and further, that no attorney, especially not H. Rollin Allen, has been authorized to represent the said William W. Neville, affiant herein.

Filed 11/13/81 /s/ WILLIAM W. NEVILLE * * * "

Further, EXHIBIT D, infra, p. 104, Proposed Judgment submitted by H. Rollin Allen as of October 5, 1981, Wayne Circuit Court Case No. 72-218-571-CZ (which was not remanded by the Michigan Supreme Court, 399 Mich 116, Docket No. 56413) reads, in part as follows:

"It is FURTHER ORDERED that Defendant (Cramer) shall forthwith pay into the Wayne County Circuit Court the sum of Ninety-Five Dollars ($95.00), which sum was charged William W. Neville."

* * *

"IT IS FURTHER ORDERED that if Defendant, Virginia Cramer, does not pay the sum of Ninety Five Dollars ($95.00) to the Wayne County Clerk on or before August 16, 1981, Defendant shall be committed to the Wayne County Jail."

As aforementioned, with reference to EXHIBIT A, infra, p. 66, which is the "injunctive order" dated January 5, 1973, it orders nothing and was not remanded by the Michigan Court.

Petitioner "Cramer" claims that, on June 12, 13, 14 and 15, 1981, she was falsely arrested and falsely imprisoned on constitutionally void ex parte orders procured by H. Rollin Allen on behalf of the State Bar of Michigan and issued by Judges John D. O'Hair and William Lee Cahalan of the Wayne County

Circuit Court, members of the State Bar of Michigan in their personal capacities, in the clear and complete absence of all jurisdiction.

Petitioner "Cramer" further claims that, also, on June 12, 13, 14 and 15, 1981, she was falsely arrested and falsely imprisoned on constitutionally void ex parte orders issued by Judge Richard D. Kuhn, Oakland County Circuit Court, on behalf of himself in his personal capacity (non-judicially) and as a member of the State Bar of Michigan, in the clear and complete absence of all jurisdiction.

Petitioner "Cramer" further claims that, the ex parte orders procured and/or issued in both the Wayne County Circuit Court and the Oakland County Circuit Court, were, in fact, done so in the clear and complete absence of subject-matter jurisdiction and in the clear and complete absence of personal jurisdiction over "Cramer"; in the absence of authority, coram non judice (before one not a judge).

On October 21, 1981, Petitioner "Cramer" filed her complaint in the federal district court, together with ex parte "removal" of the Wayne County Circuit Court action No. 72-218-571-CZ, involving only the State Bar's initiation of ex parte motions and ex parte orders procured and issued in February and March 1981 and up to the contemplated entry of the "proposed" Judgment as of October 5, 1981. These were the actions taken by attorney-H. Rollin Allen on behalf of the State Bar and the actions taken by the Wayne Circuit judges, subsequent to the determination of the Michigan Supreme Court decision and opinions of 1976-1977 (reported at 399 Mich 116-161) and not remanded to any lower court, in the same case No. 72-218-571-CZ.

Petitioner "Cramer" claims that such ex parte orders of February 17 and March 13, 1981 (Wayne County Circuit Court), further, usurped the Michigan Supreme Court's power to retain or enforce or terminate the "injunctive order dated January 5, 1973" which prima facie orders nothing. Thus, Petitioner

"Cramer" further claims that the ex parte orders of February 17 and March 13, 1981 procured and issued in the Wayne County Circuit Court are constitutionally void, and that the action taken by the State Bar of Michigan and the Wayne County Circuit Court judges are absolutely void, in the clear and complete absence of all jurisdiction.

See, APPENDIX N, "Petitioner's Complaint" and APPENDIX M, "Removal of State case," APPENDIX O, "Petitioner's Motion to Amend Petition for Removal of State Case" claiming 'state action' involved. Further, Petitioner sought to enjoin the members of the State Bar of Michigan (see, "Complaint"), pp. 36 - 76.

On November 13, 1981, Entry of Default against attorney-H. Rollin Allen was filed for his failure to plead and defend within the 20-day time period prescribed by FRCP Rule 12, APPENDIX II, pp. 167-169. Defendant-attorney H. Rollin Allen sought no relief from the court as to said "Entry of Default".

All defendants moved to dismiss, or in the alternative for a grant of summary judg-

ment. All defendants allege they enjoy "immunity" (of one sort or another) from the intentional tort liability for "False Arrest and False Imprisonment".

On June 30, 1982, the federal district court dismissed Plaintiff-petitioner's action by memorandum opinion (with erroneous and fallacious contentions and erroneous conclusions) filed July 1, 1982. The district court stated that "suits for damages under 42 USC 1983 against a "state agency" are prohibited by the 11th Amendment", as pertaining to the State Bar and Allen, its attorney. Petitioner "Cramer" asserts that the 11th Amendment is not applicable for the reason that the State Bar and Allen are not a part of any tax-supported State agency and that under the "Rules Concerning the State Bar of Michigan", a self-interest group, Rules 1, 5 and 16, they have waived "immunity" constitutionally, among other reasons. APPENDIX 00, pp. 175 - 176.

Further, the district court stated that the three (3) judges, John D. O'Hair, William

Leo Cahalan and Richard D. Kuhn are protected from liability to plaintiff by the doctrine of "judicial immunity" relying solely on Stump v Sparkman, 435 U. S. 349 (1978), erroneously.

Petitioner "Cramer" asserts Stump, supra, is not applicable and not controlling for many reasons, among which, that subject-matter and personal jurisdiction are conjunctional; both must be met before a court has authority to adjudicate the rights of parties to a dispute. Rankin v Howard, 633 F 2d 844 (1980); Lopez v Vanderwater, 620 F 2d 1229, 1235-37 (7th Cir 1980); Duba v McIntyre, 501 F 2d 590, at 592 (8th Cir 1974); Ryan v Scoggin, 245 F 2d 54, at 58 (10th Cir 1957); Harper v Merckle, 638 F 2d 848 (5th Cir 1981); DeKuyper v DeKuyper, 365 Mich Rep 487; United States v (United) Mine Workers, 330 US 258, at 293, 67 S Ct 677 (1947); Maness v Meyers, 419 US 449, 458-459, 95 S Ct 584 (1975).

Further, see, "Rosenberg (Associate Law Professor): Stump v Sparkman: The DOCTRINE OF JUDICIAL IMPUNITY, 64 Va L Rev 833, 836

(1978) ("Stump" is a possible invitation to judicial lawlessness"). And see, Yaselli v Goff, 12 F 2d 396 (2nd Cir 1926) Aff'd 275 US 503 (1927); Zarcone v Perry, 572 F 2d (2nd Cir 1978); Aikens v Wisconsin, 195 US 194. (1904); In re Wellman, 3 Kan App 100, 45 P 726 (1896); McAlester v Brown, 469 F 2d 1280 (5th Cir 1972); Watkins v Dunbar, (Ill. 1925) 149 NE 14; Rammage v Kendall, 168 Ky 26, 181 SW 631.

Further, see, MCLA 600.1901; MSA 27A. 1901, MCLA 600.1905; MSA 27A.1905, MCLA 600. 1912; MSA 27A.1912, MCLA 600.1815; MSA 27A. 1815 (capias ad respondendum is abolished and no civil actions shall be started by arrest) MCLA 600.1711; MSA 27A.1711, 59 Am Jur 2d, Parties, at 1, 11 and 192 et seq. APPENDIX KK, APPENDIX LL, APPENDIX MM, pp. 170-173 "Petitioner's Appendix" (tan cover). "Cramer" was not a party in any suit in either the Wayne County Circuit Court or the Oakland County Circuit Court at the time the constitutionally void Ex Parte orders were issued and at the time she was arrested and jailed on June 12, 13, 14 and 15, 1981.

Plaintiff-petitioner's motion for rehearing was denied and the district court entered an "Order Amending Memorandum Opinion" filed on October 12, 1982, APPENDIX I, p. 31.

On timely appeal to the Sixth Circuit Court of Appeals, the court issued its Order on November 21, 1983 affirming the lower court memorandum opinion, and pursuant to Rule 9(d)(2), Rules of the Sixth Circuit, as a "frivolous" appeal. Stay of Mandate was timely sought, which the Sixth Circuit Court of Appeals denied on December 27, 1983, and issued the Mandate dated December 29, 1984 (repeat) 1984; APPENDIX B, p. 3.

REASONS FOR GRANTING THE PETITION

Presented in this case are important constitutional questions concerning the judiciary and the State Bar of Michigan, co-conspiratorially, in exertion of power, by improper methods, improper allegation procedure, improper litigation materials, usurping the power and authority of the State supreme court, among other drastic irregularities,

where your petitioner was arrested and imprisoned for refusal to participate and "failure to voluntarily appear" on such constitutionally void orders.

Defendants-respondents sought to bait, intimidate, coerce and/or force your Petitioner to submit voluntarily to the jurisdiction of the Wayne County Circuit Court and the Oakland County Circuit Court, in malice and bad faith.

The memorandum opinion of the district court and the disposition of the case, affirmed by the Sixth Circuit court of appeals, seriously misconstrues this Court's decision in Stump v Sparkman, 435 U S 356, at 356-357-362. Said memorandum opinion also raises further constitutional questions, and in reference to Stump v Sparkman, supra, to the extent that if Linda Sparkman had "failed to voluntarily appear" or refused to participate, would this Court have found her in contempt? would she have been arrested, jailed and imprisoned and forced to submit involuntarily? would she have been forcibly made to "appear" on orders issued without prior notice or

without a hearing, without an opportunity of confrontation, without affidavits of witnesses, without a complaint, without a summons issued, without being made a "party" to a suit?

In the instant case are further important constitutional questions involving the judiciary acting out of personal motivation and using the judicial office as an offensive weapon to vindicate personal objectives, and where no "party" had invoked the judicial machinery. The Fifth Circuit Court of appeals, in Harper v Merckle (1981) 638 F 2d 848, held

> "these nonjudicial acts, to state the obvious, are not cloaked with judicial immunity from suit under section 1983".

Particularly in view of Rankin v Howard (9th Cir 1980) 633 F 2d 844, holding,

> "Requirements of subject matter and personal jurisdiction are conjunctional, as both must be met before a court has the authority to adjudicate rights of parties to a dispute."

and, in the instant case involving whether the "judge" may be the only disputing non-party, together with Harper v Merckle, supra, the

lower court's dismissal of the instant entire action and the court of appeals affirming the disposition, in conflict with Harper v Merkle,[3/] supra, Rankin v Howard, supra, and Stump v Sparkman, supra, review of the decision below is most essential.

This case is of first impression. The memorandum opinion of the district court with erroneous, inaccurate and fallacious findings therein are very obvious and an exceptional showing of error. For example, in Michigan, proceedings may not be "commenced" by MCLA 600.1711 and MGCR 760.1 where prior jurisdiction has not been obtained and the "person" is not a party to a suit. See, Petitioner's Appendix (tan cover), APPENDIX KK and APPENDIX

3/ In 1983, Arden Merckle resigned as chief judge of the circuit and left the bench in shame. The resignation came after a newspaper reported how he had switched a sentence in a cocaine case from a jail term to probation as a favor to a fellow judge. The Judicial Qualifications Commission found Merckle unfit to be a judge. However, Merckle is still a member of the Florida Bar and on the list of special assistant public defenders and can be appointed to cases with state-paid fees.

LL, pp. 170, 171 and 172; MCLA 600.1901, MCLA 600.1905, MCLA 600.1912 and 59 Am Jur 2d, Parties, at 1, 11, 192.

For Petitioner's questions presented for review, 1 through 9, at pages 1 through 20 herein, the character of the reasons for considering and granting certiorari may be summed up as follows:

Petitioner-Cramer is a non-lawyer advocate of "Do-it-yourself Divorce". This idea apparently originated in the State of California in about 1972, where currently, it is said that 30% to 40% of the divorces obtained in California are by the persons handling their own divorce matter, without lawyers. Also, the idea of do-it-yourself-divorce has expanded into approximately 15 other states, so far, where constitutionally the people have a guaranteed right to represent themselves, in civil actions.

However, judicial officials performing certain functions analogous to those of complaining adverse party, complaining witness, investigator, interrogator, finder of infer-

ences on wrong conclusions, finder of fact, prosecutor, executioner, prejudicial biased judge, abandoning impartiality and acting on behalf of the bar association, forcing the people to hire lawyers and/or issuing constitutionally void orders against "Cramer", and utilizing the judicial machinery for personal objectives on their own behalf, should not be able to claim absolute immunity with respect to such illegal acts. See, Harper v Merckle, supra; Yaselli v Goff, 12 F 2d 396 (2nd Cir 1926) (collecting authorities), aff'd mem., 275 U S 503 (1927).

In essence, the character of this case boils down to where the residue remaining is the lack of quality of the persons in the legal profession. Hardly a day goes by and we hear or read of the "wrongdoings" of judges and lawyers. Where it is said (quoting Chief Justice Warren E. Burger) that 75% to 90% of the lawyers are either incompetent, or dishonest, or both; and where judges resign from the bench in shame as unfit for judicial office, but then, they are still members of

the bar, and where people are forced to hire these incompetents and/or dishonest members of the legal profession, it does little or nothing to promote public confidence in our legal system.

The legal profession has been adamant about self-regulation and even about the necessity for secrecy in handling its disciplinary affairs. Dishonored judges have been given assignments back on the public payroll which is no way to convince the public that the status has been earned.

In our legal system, which is the most expensive and least efficient of anything that can be named, the people are subjected to the wrath of the terrorist-gang of the organized legal mafia and the unsporting contest of dirty back-alley tactics of incompetent and dishonest lawyers and judges who cover-up for each other, at the terrible expense of the general public and taxpayers.

The legal profession apparently has an unconditional admiration for the wrong doings of lawyers and judges. The more attempt is

made to change things, the more they stay the same.[4/] They act in accordance with their fundamental character of arrogance and hypocrisy. They treat the opposition of laypeople as puny and therefore they feel free to subjugate the people through fear resulting in exploitation and victimization of laypeople. The entire scheme centers on generating more litigation and more business for lawyers, at taxpayer's expense.

Further, in this instant case, the State Bar of Michigan and its attorney H. Rollin Allen (as suitor in the action of false arrest and false imprisonment) claim they are entitled to "sovereign immunity" under the 11th Amendment to the U. S. Constitution, in the absence of a geographical status. Even so, "false arrest and false imprisonment" is a constitutional cause of action (deprivation of liberty), and where the State Bar usurped the power and the authority of the Michigan Sup-

---

4/ It was Abraham Lincoln who said "Never wrestle with pigs in the mud because the pigs like it that way."

reme Court where there was "no remand" in the same case, and jurisdiction was not restored to the lower court, constituting a violation of the due process and equal protection clauses of the 5th and 14th Amendments to the U. S. Constitution.

Certainly no decision of this Court or any federal court of appeals has previously suggested that "jurisdiction of a lower court is restored without a remand". See, 5B CJS Appeal and Error, Mandate and Proceedings in Lower Court, at sections 1958, 1959, 1962,

> "* * * The lower court does not have the power to act on the judgment of the appellate court until the mandate is received. (citing, Morris v Radley, (1943) 306 Mich 689, 11 NW 2d 291), and action taken by the lower court before the receipt or issuance of the mandate is absolutely void and required to be dismissed or set aside." (emphasis added)

Moreover, see 5B CJS "Waiver", at 1959, "the requirement of a formal remanding order may be waived as by the voluntary appearance of the parties and their participating in subsequent proceedings in the lower court without objection." In the instant case,

"Cramer" did not appear voluntarily. She refused to participate and disregarded the ex parte order because jurisdiction was not restored to the lower court in State Bar v Cramer (not remanded) 399 Mich 116-161. "Cramer" knew she would be dealing with judges in the Wayne County Circuit Court who had no subject-matter jurisdiction to enforce the "injunctive order of January 5, 1973" which orders nothing, affirmed and retained and/or terminated in the Michigan Supreme Court.

Consistently, without exception, where an appeal is taken and perfected and not remanded by the supreme court to any lower court, the court below is without jurisdiction in the matter; i. e.,

> "The mandate of the Appellate Court is res judicata if it is final and conclusive and if it does not order a general remand to the lower court."
> Relph v Board of Ed. of DePue Unit School Dist. No. 103 of Bureau County, 39 Ill Dec 331, 404 NE 2d 922 (1980)
>
> "Jurisdiction of trial court is ousted until appellate court renders judgment with mandate returning jurisdiction to trial court."
> Shirley v Shirley, 361 So 2d 590 (1978)

"Trial court lacks power to deviate from terms of appellate mandate in absence of permission from appellate court to do otherwise." (Fla 1977) Mendelson v Mendelson, 341 So 2d 811

"A trial court is without authority to depart from terms of an appellate mandate." (1978) Alaska Airlines Inc. v Seat, 584 P 2d 544.

"Circuit Court order entered without mandate from Supreme Court was entered without jurisdiction and thus had to be set aside." (Ark 1975) 525 SW 2d 915.

"Mandate should be recorded before further proceedings are had in trial court." (Conn 1972) Nowell v Nowell, 302 A 2d 260, 163 Conn 116.

"A mandate or an order of remand is necessary to reinvest a lower court with jurisdiction to proceed with a case which has been appealed." (Tenn 1960) Sanders v Loyd, 364 SW 2d 369.

"Lower court was without jurisdiction to consider motion where Supreme Court had not ordered a remand." Couture v Lowery, 177 A 2d 371 (1962); Turner v Bragg, 114 Vt 334, 336; 44 A 2d 548, 540.

Further, in support of Petitioner's claim that the State Bar (suitor) usurped the power of the Michigan Supreme Court, see Augusta Medical Complex, Inc v Blue Cross of Kansas, Inc (Kan 1980) 608 P 2d 890, holding " * * *

the Supreme Court had the power to hold in abeyance enforcement of such injunction by the injunction remaining in effect in the Supreme Court until mandate of said court was spread of record in the court below, to give the parties time to re-evaluate positions." Further, that "Restraining order of supreme court pending final determination of appeal expires on final determination of such appeal regardless of whether mandate is issued." Jackson v Dillehay, 210 Ark 556, 196 SW 2d 909.

Where the lower court was without authority to re-instate the case on perfected appeal, in the absence of a "remand" in the same case, "any order in the same case subsequently entered in the lower court is coram non judice (before one not a judge)." Watkins v Dunbar, (Ill 1925) 149 NE 14.

As to the erroneous claim of "sovereign immunity" by the State Bar of Michigan, this is in direct conflict with the "Rules Concerning the State Bar of Michigan," Rules 1, 5 and 16. APPENDIX 00, p. 175-176, Petitioner's

Appendix (tan cover). The State Bar rules are a grant of power to sue and be sued, expressed and implied, as made applicable by the provisions and limitations of the 14th Amendment to the U. S. Constitution. Rules 5 and 16 constitute a "waiver" of immunity, especially when the State Bar is the suitor, together with MCLA 600.916, APPENDIX PP, p. 177, together with 7 CJS, Practice of Law, at 727,

> " * * * In the enactment of statutes * * * the Legislature will be held to have intended only to protect the general public from exploitation, and not to protect the legal profession, especially since any such attempt of the latter would be invalid. * * * "

In People v Black, 282 NYS 197, 156 Misc 516, that court extended further in explanation that the legal profession does not require such artificial aid (from the courts) and held,

> "Any attempt to protect the legal profession is invalid. * * * The protection of the legal profession could not have been attempted, and if attempted or intended, is clearly invalid. * * * The legal profession does not require and should resent any such artificial aid."

In Michigan, we have a number of judges who have said "Nobody can come into my courtroom without a lawyer."[5/] In Smyth v Lubbers, (6th Cir) 1975, 398 F Supp 777, the court said,

> "An official action which is found to have violated constitutional rights is deemed ultra vires, beyond the officials authority because the state cannot lawfully authorize its officials to violate the constitution. Thus, under Section 1983, any person who, under color of law, deprives another of his * * * constitutional rights, is liable to the injured party at law or in equity. If a person acts under color of law, it is irrelevant whether the official was acting within or without

---

5/ When law-student Jack Rose attempted to represent himself, Judge James S. Thorburn (Oakland County Circuit Court) appointed lawyer-Steven Andrews (Thorburn's campaign manager) as "guardian ad litem" for Jack Rose; where Jack Rose never even spoke to said so-called "guardian ad litem", Judge Thorburn ordered Jack Rose to pay $20,000. attorney fees to said "guardian ad litem". Judge Thorburn committed Rose to jail about 20 different times and on one occasion a detective was planted in jail, with Rose, to pose as a hit-man to set Rose up on framed charges that Rose wanted to kill Judge Thorburn. That case terminated by Rose's suicide in taking cyanide while in the courtroom. (Previously, Judge Kuhn had jailed Jack Rose for 10 days when Rose had only requested to see the public records in the Seaholm v Seaholm case.)

the scope of his employment by common-law standard." See, Ex parte Young, 209 US 123, 28 S Ct 441 (1909) Scheuer v Rhodes, 416 US 232 (1974) Smyth v Lubbers, 398 F Supp 777, Id.784

Petitioner herein has been ruthlessly denied due process of law and the equal protection of the law by the position taken by the Court of Appeals in this case. All of the issues which petitioner presented to the Court of Appeals for appellate determination on the merits are issues "not plainly frivolous". The invidiously discriminatory practices of the courts are obvious to the layperson representing herself, where at some level the appellant-layperson is cut off from having the appeal heard and determined on its merits and where the right to prosecute such an appeal has been established as in the instant case. No one would doubt that if the present case were being handled by a lawyer, it would have been heard and determined on its merits, even if the merits of issues were far less substantial than the issues tendered by this Peti-

tioner. The circumstances greatly point out the gravity of the unlawful and invidiously discriminatory practices against persons who attempt to exercise their "guaranteed" constitutional right to represent themselves, to avoid and/or escape from being exploited and/or victimized by incompetent or dishonest lawyers. However, in the present case, even the referral service of the Detroit Bar Association could not find a lawyer to "handle Cramer's legal matters."

Petitioner submits, furthermore, that the erroneous memorandum opinion and the dismissal by the district court of the entire constitutional cause of action under 42 USCA 1983, et seq., is a flagrantly invalid protection of the legal profession.

Further, where settled principles of judicial self-restraint are disregarded, this Court should literally leap to the opportunity to correct the serious errors of the district court and the Court of Appeals.

CONCLUSION

The petition for a writ of certiorari should be granted and this Court should permit a complete briefing in this case.

Respectfully submitted.

Virginia Cramer

Virginia Cramer, Petitioner
In Propria Persona
Plaintiff-appellant below

27314 Clairview
Dearborn Hts., Mich 48127
(313) 278-7286

February 1984

NO. 83-1588

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

VIRGINIA CRAMER,

Petitioner, Plaintiff and Appellant

VS

STATE BAR OF MICHIGAN;
JOHN D. O'HAIR;
WILLIAM LEO CAHALAN;
RICHARD D. KUHN;
H. ROLLIN ALLEN, and All Members
of the State Bar of Michigan
similarly situated,

Respondents, Defendants and Appellees

PETITIONER'S APPENDIX

IN CONJUNCTION WITH

PETITION FOR A WRIT OF CERTIORARI

Virginia Cramer
Pro se Petitioner
27314 Clairview
Dearborn Heights,
Michigan 48127
(313) 278-7286

February 1984

PETITIONER'S APPENDIX
IN CONJUNCTION WITH
PETITION FOR A WRIT OF CERTIORARI

VOLUME I

TABLE OF CONTENTS

		page
APPENDIX A	Order filed 11/21/83 U.S. Court of Appeals	1 - 2
APPENDIX B	Order denying stay of Mandate, filed 12/27/83	3
APPENDIX C	Order, filed 5/4/83 U.S. Court of Appeals	4 - 5
APPENDIX D	Memorandum Opinion of U.S. District Court filed July 1, 1982	6-25
APPENDIX E	Order of Dismissal as to O'Hair and Cahalan filed July 7, 1982	26
APPENDIX F	Judgment dismissing action with prejudice State Bar of Michigan and H. Rollin Allen, Filed July 12, 1982	27-28
APPENDIX G	Order dismissing Richard D. Kuhn Filed 7/20/82	28-29
APPENDIX H	Memorandum opinion U.S. District Court filed 10/12/82	29-31
APPENDIX I	Order Amending Memorandum Opinion of 7/1/82, U.S. District Court, Filed 10/12/82	31-32

		page
APPENDIX J	Order denying rehearing O'Hair and Cahalan U.S. District Court filed 10/14/82	32-33
APPENDIX K	Order denying rehearing as to State Bar of Mich. U.S. District Court Filed 10/19/82	34-35
APPENDIX L	Order denying rehearing as to Richard D. Kuhn U.S. District Court Filed 10/21/82	35-36
APPENDIX M	Notice of Removal of State Case #72-218-571-CZ Petition, etc. Filed 10/21/81	36-43
APPENDIX N	Petitioner's Complaint U.S. District Court Filed 10/21/81	44-61
APPENDIX O	Petitioner's motion to Amend Petition for Removal of State case, Brief in support U.S. District Court Filed 1/15/82	62-76
APPENDIX P	Return on Service of Writ Defendant, H.Rollin Allen individually, Filed 11/6/81	77
APPENDIX Q	Clerk's Entry of Default against H.Rollin Allen, individually Filed 11/13/81	78-81
APPENDIX R	Motion for Judgment by Default against H.Rollin Allen, U.S. Dist. Court Filed 1/22/82	81-88

VOLUME II - PETITIONER'S APPENDIX		page
APPENDIX S	Order denying "Remand" of State case, 72-218-571-CZ U.S. Dist. Court Filed 10/18/82	89-90
APPENDIX T	Transcript of 6/5/81 Wayne Circuit Court No. 72-218-571-CZ Judge O'Hair	90-96
APPENDIX U	Transcript of 6/12/81 Wayne Circuit Court No. 72-218-571-CZ Judge O'Hair	97-101
APPENDIX V	Transcript of 6/17/81 Wayne Circuit Court No. 72-218-571-CZ Judge O'Hair	102-127
APPENDIX W	Transcript of 9/7/72 Wayne Circuit Court No. 210-228 Judge T. Roumell	128-131
APPENDIX X	Transcript of 11/21/74 Wayne Circuit Court No. 74-018-521-DO Judge R.L. Olzark	132-138
APPENDIX Y	Transcript of 3/26/76 Wayne Circuit Court No. 74-033-912-DO Judge C. Kaufman	139-149
APPENDIX Z	Transcript of 10/31/80 No. 80-024-790-DO Wayne Circuit Court Judge O'Hair	150-157

VOLUME II - PETITIONER'S APPENDIX

		page
APPENDIX AA	Amendments One, Four and Five, U. S. Const.	158-159
APPENDIX BB	Amendments Six, Eight, and Nine, U.S. Const.	159
APPENDIX CC	Amendments Ten, Eleven and Thirteen, U.S. Const.	160
APPENDIX DD	Amendment Fourteen, U.S. Const.	161
APPENDIX EE	Stat. 42 USCA 1343	161-162
APPENDIX FF	Stat. 42 USCA 1983, 1985	163-164
APPENDIX GG	Stat. 42 USCA 1986	165
APPENDIX HH	Stat. 42 USCA 1988	166
APPENDIX II	Federal Rules of Civil Procedure, (FRCP) Rules 12(a)(b)(6) Rule 56 (c)(d)(e)	167-169
APPENDIX JJ	Michigan Const. of 1963, Art I, Sec 13	169
APPENDIX KK	Michigan Statutes MCLA 600.1430 MCLA 600.1901 MCLA 600.1905	170
APPENDIX LL	Michigan Statutes MCLA 600.1912 MCLA 600.1815 MCLA 600.1711 Mich. General Court Rule 760.1	171
APPENDIX MM	59 Am Jur 2d, Parties, at 1, 11, 192	172-173

		page
VOLUME II -	PETITIONER'S A P PENDIX	
APPENDIX NN	Rules 865 and 866 (1976-77) Mich. Gen. Court Rules	174-175
APPENDIX OO	Rules Concerning the State Bar of Michigan (a self-interest group) Rules 1, 5 and 16	175-176
APPENDIX PP	Mich. Statute MCLA 600.916	177

APPENDIX A

NO. 82-1855
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

VIRGINIA CRAMER,

Plaintiff-Appellant,

v.

STATE BAR OF MICHIGAN; JOHN D. O'HAIR; WILLIAM LEO CAMALAN; RICHARD D. KUHN; H. ROLLIN ALLEN; ALL MEMBERS OF THE STATE BAR OF MICHIGAN,

Defendants-appellees.

O R D E R

FILED

NOV 21, 1983

BEFORE: KEITH and CONTIE, Circuit Judges; and POTTER,* District Judge

This appeal has been referred to a panel of the Court pursuant to Rule 9(a), Rules of the Sixth Circuit. After examination of the record and briefs, this panel agrees unanimously that oral argument is not needed. Rule 34(a), Federal Rules of Appellate Procedure.

Plaintiff appeals the district court judgments entered July 6, 12 and 20, 1982, which dismissed plaintiff's action against

---

* The Honorable John W. Potter, District Judge, Northern District of Ohio, sitting by designation.

all the named defendants. In the proceedings below, the district court found plaintiff's allegations of a civil rights violation to be without merit and also denied the injunctive relief sought by plaintiff. Having carefully examined the record and briefs, this Court concludes the district court did not err in its disposition of this case.

For the reasons stated in the district court memorandum opinion filed July 1, 1982, as amended October 12, 1982, it is ORDERED that the Judgments of the district court be, and they hereby are, affirmed pursuant to Rule 9(d)(2), Rules of the Sixth Circuit.

ENTERED BY ORDER OF THE COURT

/s/ John P. Hehman
Clerk

ISSUED AS MANDATE: DECEMBER 29, 1983

COSTS: NONE

A TRUE COPY
Attest:
JOHN P. HEHMAN, Clerk
By /s/ Linda Brinson
Deputy Clerk

APPENDIX B

NO. 82-1855
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

VIRGINIA CRAMER, Plaintiff-Appellant, vs STATE BAR OF MICHIGAN; JOHN D. O'HAIR; WILLIAM LEO CAMALAN; RICHARD D. KUHN; M. ROLLIN ALLEN, ALL MEMBERS OF THE STATE BAR OF MICHIGAN, Defendants-Appellees.	FILED DEC 27, 1983 O R D E R

Upon consideration of the appellant's motion to stay the mandate;

IT IS ORDERED that the motion be and hereby is denied.

ENTERED BY ORDER OF THE COURT

/s/ JOHN P. HEHMAN
Clerk

APPENDIX C

NO. 82-1855

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

VIRGINIA CRAMER,

Plaintiff-Appellant,

v.

STATE BAR OF MICHIGAN, et al.,

Defendant-Appellees.

ORDER

FILED
May 4, 1983

This cause comes before the court upon the motion of appellees H. Rollin Allen and the State Bar of Michigan for leave to have filed instanter their brief in the above-captioned appeal.

The court has considered the appellees' motion, and has considered appellant's vigorous opposition thereto.

IT IS ORDERED that the motion be held in abeyance for ten (10) days from the date of this order. If a properly executed corporate disclosure statement pursuant to Rule 25, Rules of the Sixth Circuit, is received from the appellees within that time, the motion to file the brief will be granted

and the appellant allowed fourteen (14) days therefrom to submit a reply brief. Failure to timely file the corporate disclosure statement will result in denial of appellees' motion to file their brief. Appellant's request for punitive and special damages is hereby denied.

ENTERED BY ORDER OF THE COURT

/s/ John P. Hehman, Clerk

May 4, 1983

APPENDIX D

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT

VIRGINIA CRAMER,

Plaintiff,

V.

STATE BAR OF MICHIGAN, ET AL.,

Defendants.

Civil No. 81-73926

FILED 7-1-82

MEMORANDUM OPINION

This matter is before the Court on seven motions filed by the various parties to this action. These motions are:

(1) Plaintiff's motion to amend petition of removal;

(2) Plaintiff's motion for entry of Order to show cause with temporary enjoining order and why preliminary or permanent injunctive order should not issue;

(3) Plaintiff's motion for judgment by default against defendant H. Rollin Allen and all other members of the Michigan State Bar similarly situated;

(4) Defendant State Bar of Michigan's motion for entry of order remanding case to state court;

(5) Defendants Judge O'Hair and Judge Cahalan's motion to dismiss;

(6) Defendant Judge Kuhn's motion to dismiss or for summary judgment; and

(7) Defendants State Bar of Michigan and H. Rollin Allen's motion to dismiss or for summary judgment.

A. Factual Background

The dispute in this action arose out of the attempts of the State Bar of Michigan to enforce an injunction it obtained in 1973 which prohibited Virginia Cramer from engaging in certain acts found to be the unauthorized practice of law. In order to understand the posture of the matter now before the Court, it is necessary to sort through the flurry of pleadings submitted and set forth the chronology of events preceeding the filing of this action.

On September 27, 1972, the State Bar of Michigan filed a complaint in Wayne County

Circuit Court against Harold Graham, Michael Gordon, and Virginia Cramer, individually and d/b/a Gordon-Graham & Cramer Associates, alleging the defendants were engaged in the unauthorized practice of law in violation of MCLA 600.916, MSA 27A.916. State Bar of Michigan v Cramer, et al., Civil Action No. 72-218-571-CZ. On January 5, 1973, a judgment for plaintiff and an order granting injunctive relief against defendants was entered. Virginia Cramer subsequently was found in contempt of that order a number of times, and she appealed the matter, ultimately, to the Michigan Supreme Court. The Supreme Court, in an opinion reported at 399 Mich 116 (1976), affirmed the finding of civil contempt of April 23, 1973 and the January 5, 1973 injunctive order of Judge O'Hair of Wayne County Circuit Court.

On motion of the State Bar of Michigan, orders to show cause why Cramer should not be held in contempt of the January 5, 1973 order were issued on February 17, 1981 by Judge O'Hair and March 13, 1981 by Judge Cahalan.

Cramer failed to appear on April 24, 1981, which was the date noticed. Judge O'Hair issued a bench warrant for her arrest on April 29, 1981.

On May 5, 1981 Cramer filed a motion for writ of mandamus with the Michigan Supreme Court, on grounds unknown to this Court. She filed a motion for a stay with the Supreme Court on May 14 and some sort of supplemental motion on May 28. On June 12, 1981, she filed a motion to quash the arrest warrant with the Supreme Court and asked for certain other relief, also unknown to the Court. Cramer has not supplied the Court with copies of these various motions, only with copies of the orders of the Supreme Court disposing of them in favor of the State Bar.

Cramer was arrested on June 12, 1981 and appeared before Judge O'Hair, who released jer upon her filing a $1,000 cash bond. Judge O'Hair set a hearing on the show cause for June 17, 1981. However, since there were two outstanding warrants for her arrest issued by

Judge Kuhn in Oakland County, Cramer was not released, but was transported to the Oakland County Jail, where she was kept in custody over the weekend until she could appear before Judge Kuhn on June 15, 1981.

On April 4, 1975, Judge Kuhn, an Oakland County Circuit judge, had issued sua sponte an order to show cause why Cramer should not be held in contempt for the unauthorized practice of law in the case of Seaholm v Seaholm, Civ. No. 74-114-277-DO. Cramer was personally served with the order. When she failed to appear on the noticed date, Judge Kuhn issued a bench warrant on April 9, 1975. Judge Kuhn issued a second order to show cause in Horn v Horn, Civ. No. 75-121954-DO on May 8, 1975. Cramer would not accept personal service, so the Judge ordered substituted service. Cramer again failed to appear on the noticed date, so Judge Kuhn issued another bench warrant on July 24, 1975. These two cases were divorce cases before Judge Kuhn where it came to his attention that Cramer

had rendered some type of assistance to the parties. Cramer appeared before Judge Kuhn on the outstanding bench warrants on June 15, 1981. Judge Kuhn released her after examining her.

On June 17, 1981, Cramer appeared before Judge O'Hair for the hearing on the order to show cause. She questioned the jurisdiction of the court to issue the order claiming that State Bar of Michigan v Cramer was last heard in the Michigan Supreme Court, and since the case had not been remanded, the State Bar would be required to initiate new proceedings to pursue the matter. Judge O'Hair ordered the State Bar to file an amended motion which set forth specific allegations of misconduct that it intended to prove, and adjourned the contempt hearing to August 11, 1981.

On June 26, 1981, the Michigan Supreme Court denied Cramer's complaint for mandamus and other relief. On July 13, 1981, she filed a motion to quash service of the March 13, 1981 order to show cause in Wayne County Circuit Court, claiming that the court had no

jurisdiction to issue the order to show cause or the bench warrant. On July 21, 1981 Judge O'Hair sent Cramer a letter denying her motion. On July 28, 1981, the Michigan Supreme Court denied Cramer's motion for superintending control.

On August 11, 1981 Judge O'Hair found Cramer in contempt of court for violating his January 5, 1973 order, after conducting a hearing on the matter in which Cramer participated. He ordered her to pay back the money she had received from her "client" and ordered that if she violated the January 1973 order again after August 11, 1981, she would be required to spend 30 days in Wayne County Jail as a deterrent to further violations of the court's order. Cramer would not approve the proposed judgment submitted by the State Bar, so its counsel noticed a hearing on a motion for entry of judgment for October 30, 1981. Cramer filed this federal action on October 21, 1981. None of the parties has indicated whether an order was ever entered by Judge O'Hair finding Cramer in contempt, although

it is clear that he did so on the record at the hearing on the show cause on August 11.

B. Petition for Removal and Federal Complaint

On October 21, 1981, plaintiff filed a 'petition for removal' of State Bar of Michigan v Cramer, supra. There are a number of reasons why plaintiff's attempted removal of the state action filed against her in 1972 cannot be sustained. First of all, plaintiff has not complied with the statutory requirements of 28 USC 1446 to establish a basis for federal removal jurisdiction. Section 1446(b) requires that the state action must be removed within 30 days of the receipt of the pleading or order rendering the action removable. Plaintiff's complaint and petition for removal appear to challenge the constitutionality of the issuance of the orders to show cause why whe should not be held in contempt and the bench warrants by Judges O'Hair and Kuhn. Judge O'Hair issued the bench warrant at issue on April 29, 1981. Cramer was arrested and appeared before Judge O'Hair on June 12, 1981. Judge Kuhn issued the show

causes and bench warrants at issue in 1975. If for no other reason, plaintiff's attempt to remove State Bar of Michigan v Cramer fails because of untimeliness.

However, a more basic defect exists to defeat plaintiff's attempt to remove the state action. The 1973 judgment of the Wayne County Circuit Court against her was made final by the order of remittitur entered by the Michigan Supreme Court on January 20, 1977. It is, therefore, res judicata, and this court has no authority to review that judgment. Mestice v McShea, 201 F 2d 363, 364 (3d Cir. 1953). For these reasons, plaintiff's motion to amend her petition for removal will be denied.

Remand to Wayne County would be pointless, as final judgment has been entered in the 1972 action, so dismissal would be a more appropriate remedy for the improvident removal of this action. However, in addition to her petition to remove the 1972 state action, plaintiff has filed a separate complaint, captioned Virginia Cramer v The State Bar of

Michigan, et al., in which she has made adequate assertions of federal question jurisdiction. Named as defendants in her complaint are the State Bar of Michigan, Wayne County Judges John D. O'Hair and William Cahalan, Oakland County Circuit Judge Richard D. Kuhn, H. Rollin Allen, counsel for the State Bar of Michigan, and "All Other Members of the State Bar of Michigan similarly situated." She alleges in her complaint that she was arrested and imprisoned falsely in violation of the 1st, 4th, 5th, 6th and 14th amendments and 42 USC 1983, 1985 and 1986. She seeks injunctive relief and monetary damages and has demanded a jury trial.

More specifically, plaintiff claims that the Wayne County and Oakland County Courts lacked jurisdiction to order her to show cause why she should not be held in contempt and to issue bench warrants enforcing such orders. She claims they lacked jurisdiction because the Michigan Supreme Court had not remanded State Bar of Michigan v Cramer for any further proceedings after rendering its

decision in 1976. She further asserts that the orders and bench warrants were issued without probable cause. She claims that she suffered mental humiliation and anguish because of the alleged false imprisonment and rude treatment while in custody.

C. Motions to Dismiss or for Summary Judgment

Since plaintiff must show a "strong or substantial likelihood or probability of success on the merits" to obtain the preliminary injunctive relief she seeks, the Court first will turn to the various defendants' motions to dismiss to determine whether they have merit. Mason County Medical Ass'n v Knebel, 563 F 2d 256, 261 (6th Cir. 1977); Friendship v Michigan Brick, No. 80-1018 (6th Cir. slip op. May 26, 1982). Prior to a discussion of defendant's motions, however, the Court notes that H. Rollin Allen filed a motion to dismiss jointly with the State Bar of Michigan on November 17, 1981, four days after the clerk's entry of default and only 26 days after being served with plaintiff's complaint. The Court deems this a timely

responsive pleading and therefore will deny plaintiff's motion for a default judgment against Allen and will set aside the clerk's entry of default. Fed. R. Civ. P. 55 (c).

1. Judges O'Hair and Cahalan's Motion to Dismiss

Wayne County Circuit Court Judges O'Hair and Cahalan have filed a joint motion to dismiss plaintiff's claims against them as failing to state a claim upon which relief can be granted. The judges claim that they are protected from liability to plaintiff in this action by the doctrine of judicial immunity. The Court agrees and will dismiss plaintiff's claims against these two defendants.

The doctrine of judicial immunity was thoroughly discussed in the case of Stump v Sparkman, 435 U. S. 349 (1978), in which the Supreme Court held that a judge is immune from liability for damages only when he has acted in the "clear absence of all jurisdiction." Id. at 357. More specifically, the court held that:

> "(T)he necessary inquiry in determining whether a defendant judge is immune from suit is determining whether at the time he took the challenged action he had jurisdiction over the subject matter before him. . . . (T)he scope of the judge's jurisdiction must be contrued broadly when the issue is the immunity of the judge. A judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority; rather, he will be subject to liability only when he had acted in the "clear absence of all jurisdiction."

Id. at 356-57 citing Bradley v Fisher, 13 Wall. 335, 351 (1872). A second consideration in determining judicial immunity is whether the judge was performing a "judicial act."

The court in Stump v Sparkman noted:

> "The relevant cases demonstrate that the factors determining whether an act by a judge is a "judicial" one relate to the nature of the act itself, i.e., whether it is a function normally performed by a judge, and to the expectations of the parties, i.e., whether they dealt with the judge in his official capacity."

Id. at 362

Like the judge in Stump v Sparkman, Judges O'Hair and Cahalan are judges of a court of general jurisdiction of the State of Michigan. Michigan Constitution, art. 6, section 13, MCLA 600.601. Circuit courts in

Michigan have the power to find in contempt of court parties to actions who disobey court orders, MCLA 600.1701(5) and persons who engage in the unauthorized practice of law, MCLA 600.916. Furthermore, courts may assert the contempt power to enforce civil remedies obtained by parties. MCLA 600.1701(11). The State Bar of Michigan had obtained an injunction in the previous state actions against plaintiff from Judge O'Hair in 1973, ordering plaintiff to cease the unauthorized practice of law, which was upheld by the Michigan Supreme Court. In an attempt to enforce this order, the State Bar applied to Judge O'Hair for a show cause why plaintiff should not be held in contempt of his 1973 order. This procedure was in accordance with MCLA 600.1711 and MGCR 760, which provides as follows:

> "For contempts not committed in the the immediate view and presence of the court, upon a proper showing on ex parte motion supported by affidavits, the court shall either order the accused party to show cause at some reasonable time, to be therein specified, why he should not be punished for the alleged misconduct, or shall issue a bench warrant for the arrest of such party."

Issuing an order to show cause why a person should not be held in contempt and a bench warrant certainly are functions normally performed by a judge. Plaintiff clearly knew she was dealing with the defendant judges in their official capacity. The Court therefore finds that in performing the acts plaintiff complains of, Judges O'Hair and Cahalan were acting with jurisdiction and were engaged in judicial acts. Therefore, they are absolutely immune from liability arising out of plaintiff's claims and her claims against them will be dismissed.

2. Judge Kuhn's Motion to Dismiss

Like Judges O'Hair and Cahalan , Judge Kuhn is absolutely immune from liability arising out of plaintiff's claims in this case. MCLA 600.916 provides that any person who engages in the unauthorized practice of law is guilty of contempt of the circuit court of the county in which the violation occurred. Because of the testimony adduced from parties appearing before him in divorce

cases in his court, Judge Kuhn suspected that Cramer had violated this statute out of his presence and rightfully, and with jurisdiction under MCLA 600.1711 and MGCR 760, issued the show causes and the subsequent bench warrants at issue. Plaintiff's claims against Judge Kuhn are without merit and will be dismissed.

3. State Bar of Michigan and H. Rollin Allen's Motion to Dismiss or for Summary Judgment

Both the State Bar and Allen, its attorney, claim immunity from this civil rights and false arrest action by virtue of the doctrine of sovereign immunity provided by the 11th Amendment. Indeed, the Supreme Court has held that suits for damages under 42 USC 1983 against a state agency are prohibited by the 11th Amendment. Alabama v Pugh, 438 U.S. 781 (1978), Quern v Jordan, 440 U.S. 332 (1979). Furthermore, there is authority supporting the State Bar's contentions that a state bar association as an integral part of a state's judicial process or as an agency of the state, cannot be sued

under 1983. See, e.g., Coopersmith v Supreme Court, State of Colorado, 465 F 2d 993, 994 (10th Cir. 1972); Clark v State of Washington, 366 F 2d 678, 681 (9th Cir. 1966); Louis v Supreme Court of Nevada, 490 F Supp 1174, 1180 (D. Nev. 1980); Silverton v Department of Treasury, 449 F Supp 1004, 1006 (C.D. Cal. 1978). However the Court finds it unnecessary to reach the issue of whether plaintiff may maintain a 1983 suit against the State Bar of Michigan. Assuming that defendants are amenable to suit under 1983, an examination of plaintiff's complaint reveals that plaintiff has failed to state a claim against either the State Bar or Allen upon which relief can be granted.

Allen and the State Bar of Michigan are named in six paragraphs of plaintiff's complaint. In paragraphs 2.3 and 2.4, plaintiff asserts that "by the illegal conduct and instigation" of Allen, Judges O'Hair and Cahalan entered the illegal show cause orders which resulted in her arrest. In paragraph

2.8 she claims that such acts were groundless and malicious. In paragraphs 2.10, 2.11, and 2.13, plaintiff claims that unidentified acts of the State Bar of Michigan and its members were illegal, being in the absence of jurisdiction and willful, wanton and malicious.

Plaintiff's attack on the legality of the show cause orders and bench warrant issued by Judges O'Hair and Cahalan is based solely on her contention that the judges acted without jurisdiction. She makes no other claims of deprivation of due process or of other constitutional rights, e.g., inadequate notice or lack of a fair hearing. As has already been discussed at length, the judges and the State Bar and its counsel Allen acted to enforce an order of the court and a judgment in defendant's favor as permitted by Michigan law. Plaintiff has not shown that the show cause orders and bench warrant sought by the State Bar and Allen and issued by Judges Cahalan and O'Hair were issued erroneously. Plaintiff was arrested pursuant to a bench

warrant that she has not shown was invalid. Therefore her claims of false arrest and false imprisonment must fail.

Reading her complaint in its most favorable light, plaintiff's claim against Allen is that he maliciously submitted groundless applications for show cause orders to Judges O'Hair and Cahalan which resulted in her arrest. However, plaintiff has indicated that she does not seek to pursue a claim of malicious prosecution or abuse of process in this case. (Plaintiff's response to State Bar's opposition to motion for default judgment at 17). The wrongful acts plaintiff ascribes to Allen do not rise to the deprivation of constitutional rights alleged in her complaint. The Court finds that the facts alleged in plaintiff's complaint fail to state a claim against defendant Allen.

The Court likewise finds that plaintiff's complaint fails to state a claim against the State Bar of Michigan. Plaintiff merely accuses the State Bar of engaging in illegal

acts and wanton and malicious wrongdoing without identifying any specific misconduct. Such conclusory allegations cannot survive a motion to dismiss.

4. Conclusion

In conclusion, plaintiff's motion to amend her petition for removal will be denied, as will her motion for a preliminary injunction and her motion for a default judgment. The State Bar's motion for remand will be denied because the entire federal action will be dismissed for failing to state a claim. Remand to Wayne County would be pointless, since final judgment in State Bar of Michigan v Cramer was entered long ago. Defendants State Bar of Michigan, H. Rollin Allen, Judge O'Hair, Judge Cahalan, and Judge Kuhn's motions to dismiss will be granted. An appropriate order shall be submitted.

/s/ Ralph M. Freeman
United States
District Judge

Dated:
June 30, 1982
Filed July 1, 1982

APPENDIX E

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VIRGINIA CRAMER, Civil No.

Plaintiff, 81-73926

v.

STATE BAR OF MICHIGAN, ET AL.,

Defendants.

FILED
7/7/82

/

ORDER OF DISMISSAL AS TO DEFENDANTS
JOHN D. O'HAIR AND WILLIAM LEO CAHALAN
JUDGES OF THE THIRD JUDICIAL CIRCUIT
OF THE STATE OF MICHIGAN

Being fully advised in the premises and consistent with the Opinion rendered by this Court on June 30, 1982,

IT IS HEREBY ORDERED AND ADJUDGED that Motion of the Defendants John D. O'Hair and William Leo Cahalan, Judges of the Third Judicial Circuit, State of Michigan to Dismiss is GRANTED; as to said Defendants Plaintiff's action is therefore DISMISSED.

/s/ RALPH M. FREEMAN
U.S. DIST. COURT JUDGE

Dated:
July 6, 1982
Filed July 7, 1982

APPENDIX F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VIRGINIA CRAMER,

Plaintiff,

v.

STATE BAR OF MICHIGAN, ET AL,

Defendants.

Civil No. 81-73926

FILED 7/12/82

JUDGMENT

This matter having come on for hearing before the Court, the Court having had benefit of argument of plaintiff, Virginia Cramer, and a Memorandum Opinion dated June 30, 1982 having heretofore been issued;

NOW, THEREFORE,

IT IS ADJUDGED that:

FIRST: This action shall be, and the same is dismissed, with prejudice, as to the STATE BAR OF MICHIGAN and M. ROLLIN ALLEN, for failure of Plaintiff to state a claim against said Defendants.

SECOND: Plaintiff's Motion to Amend Plaintiff's Petition for Removal is denied.

THIRD: Plaintiff's Motion for Prelimin-

ary Injunction is denied.

FOURTH: Plaintiff's Motion for Default Judgment is denied.

FIFTH: Defendants, STATE BAR OF MICHIGAN and H. ROLLIN ALLEN shall be entitled to recover costs from Plaintiff.

/s/ RALPH M. FREEMAN
U.S. DISTRICT JUDGE

Dated:
July 9, 1982
FILED July 12, 1982

APPENDIX G

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VIRGINIA CRAMER, Civil No.

Plaintiff, 81-73926

V

STATE BAR OF MICHIGAN, ET AL,

Defendants.

FILED
7/20/82

ORDER OF DISMISSAL AS TO DEFENDANT, RICHARD D. KUHN JUDGE OF THE SIXTH JUDICIAL CIRCUIT (Oakland County)

Being fully advised in the premises and consistent with the June 30, 1982, Opinion of this Court:

IT IS HEREBY ORDERED that Defendant, Richard D. Kuhn's, Judge of the Sixth Judicial

Circuit, Motion to Dismiss is granted and Plaintiff's cause of action, therefore, Dismissed as to said Defendant.

/s/ RALPH M. FREEMAN
U.S. DISTRICT JUDGE

Dated:
July 20, 1982
FILED July 20, 1982

APPENDIX H

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT

VIRGINIA CRAMER, Civil No.

Plaintiff, 81-73926

v.

STATE BAR OF MICHIGAN,

Defendant. FILED 10/12/82

MEMORANDUM OPINION

This matter is before the Court on Plaintiff's motion for rehearing and to amend and correct the memorandum opinion of June 30, 1982 and to vacate and set aside dismissals. Rule 17(k) of the Local Rules of the United States District Court for the Eastern District of Michigan provides:

1. Time

   Any motion to alter or amend a judgment and any motion for rehearing or reconsideration shall be served not later than 10 days after entry of such judgment or order.

2. No response and no hearing allowed

   No response to the motion and no oral argument thereon shall be allowed unless the Court, after filing of the motion, otherwise directs.

3. Grounds

   Generally, and without restricting the discretion of the Court, motions for rehearing or reconsideration which merely present the same issues ruled upon by the court, either expressly or by reasonable implication, will not be granted. The movant must not only demonstrate a palpable defect by which the Court and the parties have been misled but also show that a different disposition of the case must result from a correction thereof.

After reviewing the motion and "supplemental matters to plaintiff's motion for rehearing, amendment of opinion and vaction of dismissals" filed by the plaintiff, the Court concludes that plaintiff's motion merely presents the same issues already ruled upon by the Court. The Court further concludes that plaintiff has failed to show a palpable defect by which the

Court and the parties have been misled and that a different dispostion of the case must result from a correction thereof.

Therefore, plaintiff's motion will be denied. An appropriate order shall be submitted.

/s/ RALPH M. FREEMAN
United States
District Judge

Dated:
October 8, 1982
Filed: 10/12/82

APPENDIX I

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT

VIRGINIA CRAMER, Civil No.

Plaintiff, 81-73926

v.

STATE BAR OF MICHIGAN,

Defendant. FILED 10/12/82

ORDER AMENDING MEMORANDUM OPINION OF JUNE 30, 1982

At a session of said Court held in the Federal Building in Detroit, Michigan this 30th day of September, 1982

PRESENT: HONORABLE RALPH M. FREEMAN
United States District Judge

It is ORDERED that the memorandum opinion in the above-styled case dated June 30, 1982 be and hereby is AMENDED by inserting the word "not" before the word "immune" on Page 6, paragraph 3, line 3.

/s/ RALPH M. FREEMAN
United States
District Judge

Entered:
10/12/82

APPENDIX J

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT

VIRGINIA CRAMER, Civil No.

Plaintiff, 81-73926

v.

STATE BAR OF MICHIGAN;
JOHN D. O'HAIR;
WILLIAM LEO CAHALAN;
RICHARD D. KUHN;
H. ROLLIN ALLEN, et al.

FILED
10/14/82

/

ORDER DENYING MOTION FOR REHEARING OF ORDER OF DISMISSAL OF JULY 6, 1982 AS TO DEFENDANTS JOHN D. O'HAIR AND WILLIAM LEO CAHALAN, JUDGES OF THE THIRD JUDICIAL CIRCUIT OF THE STATE OF MICHIGAN

Being fully advised in the premises and

consistent with the Memorandum Opinion rendered by this Court on October 8, 1982,

IT IS HEREBY ORDERED AND ADJUDGED that the Motion of the Plaintiff for Rehearing of the Order of Dismissal of July 6, 1982 as to Defendants John D. O'Hair and William Leo Cahalan, Judges of the Third Judicial Circuit, State of Michigan is DENIED.

/s/ Ralph M. Freeman
U. S. District Court Judge

Dated:
10/14/82

APPENDIX K

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT

VIRGINIA CRAMER, Plaintiff,

v.

STATE BAR OF MICHIGAN;
JOHN D. O'HAIR;
WILLIAM LEO CAHALAN;
RICHARD D. KUHN;
H. ROLLIN ALLEN, et al.

Civil No. 81-73926

FILED 10/19/82

ORDER DENYING MOTION FOR REHEARING OF ORDER OF DISMISSAL OF JULY 6, 1982 AS TO DEFENDANTS THE STATE BAR OF MICHIGAN, A PUBLIC BODY CORPORATE, H. ROLLIN ALLEN, ATTORNEY FOR THE STATE BAR OF MICHIGAN, AND ALL OTHER MEMBERS OF THE STATE BAR OF MICHIGAN SIMILARLY SITUATED JOINTLY, SEVERALLY AND/OR INDIVIDUALLY

Being fully advised in the premises and consistent with the Memorandum Opinion rendered by this Court on October 8, 1982,

IT IS HEREBY ORDERED AND ADJUDGED that the Motion of the Plaintiff for Rehearing of the Order of Dismissal of July 6, 1982 as to Defendants The State Bar of Michigan, a Public Body Corporate, H. Rollin Allen, Attorney for the State Bar of Michigan, and All Other Members of the State Bar of Michigan Similarly

Situated, Jointly, Severally and/or Individually, is DENIED.

/s/ Ralph M. Freeman
United States District
Court Judge

Dated:
10/19/82

APPENDIX L

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT

VIRGINIA CRAMER, Civil No.

Plaintiff, 81-73926

v.

STATE BAR OF MICHIGAN;
JOHN D. O'HAIR:
WILLIAM LEO CAHALAN;
RICHARD D. KUHN;
H. ROLLIN ALLEN, et al.

FILED
10/21/82

/

ORDER DENYING PLAINTIFF'S MOTION FOR REHEARING

Being fully advised in the premises and consistent with the Memorandum Opinion rendered by this Court on October 8, 1982;

IT IS HEREBY ORDERED that Plaintiff, Virginia Cramer's, Motion for Rehearing and to Amend and Correct the Opinion of June 30,

1982, and to Vacate and Set Aside Dismissals, is denied as to Defendant, Richard D. Kuhn, Judge of the Sixth Judicial Circuit Court of Michigan. (Oakland County)

/s/ Ralph M. Freeman
U. S. District Court Judge

Dated:
10/21/82

APPENDIX M

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT

VIRGINIA CRAMER
(defendant in State case)

Petitioner-Plaintiff,

VS

NO. 81-73926

FILED
Oct. 21, 1981

THE STATE BAR OF MICHIGAN, A Public Body Corporate, and JOHN D. O'HAIR, WILLIAM LEO CAHALAN, Judges of Third Judicial Circuit, State of Michigan, RICHARD D. KUHN, Judge of Sixth Judicial Circuit, State of Michigan, H. ROLLIN ALLEN, Attorney for State Bar of Michigan, and All Other Members of the State Bar of Michigan similarly situated, jointly, severally and/or individually,

Respondents-Defendants.

(continued next page)

THE STATE BAR OF MICHIGAN,
A Public Body Corporate,

Plaintiff

VS

HAROLD GRAHAM, MICHAEL GORDON, VIRGINIA CRAMER, Individually and d/b/a Gordon-Graham & Cramer Associates,

Defendants

STATE CASE NO. 72-218-571-CZ
Wayne County, 3rd Judicial Circuit

NOTICE OF REMOVAL OF STATE CASE

TO: THE STATE BAR OF MICHIGAN, A Public Body Corporate, JOHN D. O'HAIR, WILLIAM LEO CAHALAN, RICHARD D. KUHN, H. ROLLIN ALLEN, and All Others similarly situated.

PLEASE TAKE NOTICE that the above-captioned Michigan State case is hereby removed from the Michigan State courts, copy of Petition for Removal attached hereto, having been filed in the United States District Court for the Eastern District of Michigan, Southern Division-Detroit, 231 W. Lafayette, Detroit, Michigan (Federal Building) and that pursuant to 28 USC 1446 (e) the Michigan State courts shall proceed no further unless and until the State case is remanded.

FILED:

10/21/81

/s/ Virginia Cramer
Defendant, Petitioner in propria persona,
27314 Clairview,
Dearborn Hts., Mich. 48127
(313) 278-7286

APPENDIX M (continued)

PETITION FOR REMOVAL OF CAUSE (State case No. 72-218-571-CZ) TO THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN-SOUTHERN DIVISION, DETROIT

Now comes Virginia Cramer in propria persona, Petitioner, and Petitions this Honorable Court of the United States to remove State case No. 72-218-571-CZ of the Wayne County Circuit Court, State of Michigan, in which said cause your petitioner was a Defendant, as above-captioned, under which said (Wayne) No. 72-218-571-CZ proceedings occurred on June 12, 1981 and August 11, 1981, and priorly, and as hereinafter shown, as follows:

1. Defendant-Virginia Cramer incorporates by reference herein her Complaint wherein she enumerates the Federal questions involved in this matter, including the Michigan Supreme Court decision and/or opinions, Docket No. 56413, reported at 399 Mich 116-161, dated December 30, 1976, and which was not remanded for any further proceedings to the Wayne County Circuit Court No. 72-218-571-CZ from which said State case originates, and including but not

limited to specific denial of rights guaranteed by the United States Constitution, Amendments Fourth, Fifth, Sixth and Fourteenth, and denial of specific rights granted by the laws of the United States, 42 USCA 1983, 1985, 1986 and 1988, and 28 USCA 1343.

2. Petitioner-defendant Virginia Cramer further alleges that the respondents hereinnamed, by their initiation of recent and/or current proceedings have acted illegally and unlawfully, absent of due process, in violation of the limitations of the Fourteenth Amendment to the United States Constituion, without jurisdiction in specific matters as enumerated in her complaint incorporated by reference herein, and in all probability many members of the State Bar of Michigan will continue to act illegally, unlawfully and/or wrongfully unless the United States courts will grant relief to your Petitioner-Virginia Cramer.

3. That this petition for removal is founded on 28 USCA 1441 (a), (b), (c); 28 USCA 1443 (1) and (2) and 28 USCA 1446 (e), 28 USCA 1343; and 42 USCA 1983, 1985, 1986 and 1988.

4. That the State case civil action No. 72-218-571-CZ was commenced in about September 1972 (about nine (9) years ago) in which your Petitioner-Virginia Cramer was then one of the named-defendants therein, and therefrom the State case was never remanded by the Michigan Supreme Court, Docket No. 56413, reported at 399 Mich 116-161, and the matter terminated with an Order of Remittitur as a discontinuance as of January 20, 1977.

5. That the attorney for the State Bar of Michigan, Mr. H. Rollin Allen refuses to cease and desist from illegally and wrongfully initiating and pursuing unlawful proceedings in the Wayne County Circuit Court No. 72-218-571-CZ.

6. That the Wayne County Circuit Court Judges, John D. O'Hair and William Leo Cahalan have signed "Orders to Show Cause" initiated by Mr. H. Rollin Allen, in the State case No. 72-218-571-CZ in the absence of jurisdiction on February 19, 1981 and March 13, 1981.

7. That Wayne County Circuit Judge John D. O'Hair issued a warrant for the arrest of

of Virginia Cramer on April 29, 1981, in the absence of jurisdiction in the State case No. 72-218-571-CZ.

8. That on June 12, 1981, your petitioner-Virginia Cramer was arrested by the Wayne County Sheriff's deputies, in the State case No. 72-218-571-Cz, in the absence of jurisdiction.

9. That on June 12, 1981, your petitioner-Virginia Cramer was also illegally held in custody by the Wayne County Sheriff's deputies until she was illegally arrested by the Oakland County Sheriff's deputies on bench warrants issued by Oakland County Circuit Court Judge Richard D. Kuhn, in the absence of jurisdiction.

10. That on June 12, 1981 (Friday), your petitioner-Virginia Cramer was illegally detained and transported to the Oakland County Jail; she was finger-printed, deprived of her property, dehumanized and jailed and shackled, chained and handcuffed and brought before Judge Richard D. Kuhn on Monday, June 15, 1981, in the absence of jurisdiction, and then released

later on Monday, June 15, 1981.

11. That on June 17, 1981, your petitioner-Virginia Cramer was required to again be in Judge O'Hair's courtroom on August 11, 1981, in the absence of jurisdiction in the Wayne County Circuit Court No. 72-218-571-CZ.

12. That the said Judge John D. O'Hair (Wayne County Circuit Court) is bent upon a course of enforcing a so-called "Judgment for Plaintiff and Injunctive Order" which he issued on behalf of the State Bar of Michigan on January 5, 1973, but which orders nothing. (See Exhibit A, attached hereto.)

13. That the Michigan State courts, at all levels, in this matter, have denied your Petitioner-Virginia Cramer (defendant in No. 72-218-571-CZ) the equal protection of the laws in violation of the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution, and in deprivation of redress of grievances and deprivation of civil rights, in deprivation of rights under the First Amendment to the United States Constitution, under color of authority of the State of Michigan, in

deprivation of equal protection of the laws, and in deprivation of due process.

14. That the said Wayne County Circuit Court Judge John D. O'Hair orally ordered on August 11, 1981, that your Petitioner-Virginia Cramer shall be jailed for thirty (30) days forthwith, in the absence of jurisdiction.

15. That your Petitioner-Virginia Cramer has reason to believe that said Judge John D. O'Hair will continue to act illegally and cause to be enforced his oral pronouncement of incarcerating your Petitioner-Virginia Cramer for thirty (30) days, and in the absence of jurisdiction in State case No. 72-218-571-CZ.

16. That pursuant to 28 USCA 1446 (e) the Michigan State courts shall proceed no further unless and until the case is remanded.

WHEREFORE Petitioner-Virginia Cramer prays that this Honorable Court remove the State case to the United States District Court.

/s/ Virginia Cramer
(Alleged Defendant)
Petitioner in propria persona

FILED
w/ Affidavit
Oct. 21, 1981

APPENDIX N

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT

VIRGINIA CRAMER,

Petitioner-plaintiff,

VS

THE STATE BAR OF MICHIGAN, A Public Body Corporate (not publicly owned) and JOHN D. O'HAIR, WILLIAM LEO CAHALAN, Judges of Third Judicial Circuit, State of Michigan, RICHARD D. KUHN, Judge of Sixth Judicial Circuit, State of Michigan, H. Rollin Allen, attorney for State Bar of Michigan, and All Other Members of the State Bar of Michigan similarly situated, jointly, severally and/or individually,

Defendants-Respondents.

ACTION NO. 81-73926

FILED 10/21/81

COMPLAINT FOR DECLARATORY JUDGMENT, INJUNCTIVE RELIEF, DAMAGES FOR FALSE ARREST, FALSE IMPRISONMENT, FOR INJURIES TO PERSON, PROPERTY AND BUSINESS, AND DEMAND FOR JURY TRIAL

COMES NOW Petitioner-Plaintiff Virginia Cramer in propria persona (alleged Defendant in removed State case) and complains against the above-named defendants in causes of action arising under the United States Constitution and laws of the United States by statutory provi-

sions, pursuant to the First, Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution and 42 USCA 1983, 1985, 1986, 1988; founded on 28 USCA 1343, 28 USCA 1443, 28 USCA 1446, among other statutory provisions, and she says as follows:

PREAMBLE

1. That in summary, the background of the State case is set forth, in part, in State Bar v Cramer, 399 Mich 116-161 involving a Do-it-yourself plan; and said case was not remanded to any other jurisdiction, dated December 30, 1976.

2. That in the interim, during the lapse of time from 1972 through the current instances in 1981, your Petitioner-Plaintiff-Virginia Cramer has been subjected to various and numerous experiences of scattered flashes of violence, of dehumanizing, humiliation, scapegoating, hasseling, harassing, victimizing, threatened acts, picked-on by thug-politics, jailed five or six times, strangled and mangled in a public elevator, harassed by telephone calls all hours of day and night, subjected to

foul and vulgar language or no-voice-breathing by callers on the telephone all hours of night, shot-gun shells on "Cramer's" front lawn of residence, intimidations with heightened tensions, ridiculed, demeaned, arrested and threatened with arrest and jailings, by members of the legal-mafia which is the secret part of the organization known as the State Bar of Michigan and operating within the State Bar of Michigan and contrary to law, and Plaintiff-Virginia Cramer complains and for her causes of action says as follows:

I. JURISDICTION

1.1 Jurisdiction is founded under 42 USCA 1983, 1985, 1986, 1988; 28 USCA 1343, et seq., deprivation of civil rights under color of law, in violation of First, Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution. That your federal Plaintiff-Virginia Cramer is a life-long resident of the State of Michigan.

1.2 That the defendant-State Bar of Michigan is a public body corporate within the State of

Michigan, with offices located in Lansing, Michigan and Detroit, Michigan.

1.3 That the Defendant-Judge John D. O'Hair is a member of the State Bar of Michigan and is a Judge of the State of Michigan, Third Judicial Circuit (Wayne County Circuit Court) and at all times pertinent hereto.

1.4 That the Defendant-Judge William Leo Cahalan is a member of the State Bar of Michigan and is a Judge of the State of Michigan, Third Judicial Circuit (Wayne County Circuit Court) and pertinent hereto.

1.5 That the Defendant Richard D. Kuhn is a member of the State Bar of Michigan and is a Judge of the State of Michigan, Sixth Judicial Circuit (Oakland County Circuit Court) and similarly pertinent hereto.

1.6 That the Defendant H. Rollin Allen is a member of the State Bar of Michigan and holds himself out as attorney for the State Bar of Michigan, and similarly pertinent hereto.

II. FALSE ARREST AND FALSE IMPRISONMENT

2.1 That the said Judge John D. O'Hair caused the arrest and imprisonment of Plaintiff-Virginia Cramer numerous and various times under the guise of "Judgment and Injunctive Order" dated January 5, 1973, and which said Injunctive Order actually orders nothing. (See Exhibit A, attached herein.)

2.2 That further on June 12, 1961, Defendant-Judge John D. O'Hair caused the arrest, detention, finger-printing and booking of Plaintiff-Virginia Cramer and subjected her to illegal and wrongful acts and impositions in deprivation of her civil rights and constitutional rights, in the absence of jurisdiction in Wayne Circuit Court proceedings under Case No. 72-218-571-CZ and which said case was never remanded from or by the Michigan Supreme Court, Docket No. 56413, reported at: 399 Mich 116-161, State Bar vs Cramer.

2.3 That by the illegal conduct and instigation of Defendant H. Rollin Allen, the Defendant-Judge John D. O'Hair entered an illegal

"Order to Show Cause" against Virginia Cramer on February 19, 1981. (sic, February 17, 1981)

2.4 That by the illegal conduct and instigation of Defendant H. Rollin Allen, the Defendant-Judge William Leo Cahalan entered an illegal "Order to Show Cause" against Virginia Cramer on March 13, 1981.

2.5 That by the Illegal conduct of Defendant-Judge John D. O'Hair your federal Plaintiff-Virginia Cramer was arrested and detained and illegally taken into custody and held by the Wayne County Sheriff's deputies, and where the Wayne Circuit Court Judge John D. O'Hair was without jurisdiction, on June 12, 1981.

2.6 That by the illegal conduct of Defendant-Judge John D. O'Hair on June 12, 1981, your federal Plaintiff-Virginia Cramer was again illegally and falsely arrested, taken into custody, detained and deprived of her civil rights and freedom, in violation of the Fourteenth Amendment to the United States Constitution, transported into Oakland County by

Oakland County Sheriff's deputies, and booked, fingerprinted, jailed, detained, and falsely imprisoned on June 12, 13, 14 and 15, 1981, in the Oakland County Jail under the guise of bench warrants illegally issued by Defendant-Judge Richard D. Kuhn.

2.7 That by the illegal acts of Defendant-Judge Richard D. Kuhn, in the absence of jurisdiction, said bench warrants were issued in the Oakland County Circuit Court on/or about April 9, 1975 and July 24, 1975, instigated illegally and without jurisdiction by Defendant-Judge Richard D. Kuhn.

2.8 That such illegal acts of Defendant-Judge John D. O'Hair instigated by attorney H. Rollin Allen were groundless and malicious and causing and/or accompanied by arrest and seizure of the person, your federal Plaintiff-Virginia Cramer herein.

2.9 That such illegal acts of Defendant-Judge Richard D. Kuhn were groundless and malicious and causing and/or accompanied by false arrest

and seizure and false imprisonment of the person, your federal Plaintiff-Virginia Cramer herein.

2.10 That such illegal acts in the absence of jurisdiction by the members of the State Bar of Michigan, as herein named, have caused injury to your federal Plaintiff-Virginia Cramer's business and well being and entails unusual hardship and loss of reputation and detriment to her health, constituting special damages and injuries as suffered by Plaintiff-Virginia Cramer.

2.11 That the illegal, willful, wanton and malicious acts and wrongdoings of the members of the State Bar of Michigan are inflicted upon your federal Plaintiff-Virginia Cramer in the absence of probable cause.

2.12 That the illegal, willful, wanton and malicious acts and wrongdoings of Defendant-Judge Richard D. Kuhn, a member of the State Bar of Michigan, were effected and executed

in the absence of jurisdiction and without probable cause.

2.13 That all of the illegal, willful, wanton and malicious acts and wrongdoings of the members of the State Bar of Michigan have been committed and effected on behalf of themselves and in the absence of a valid complaining witness or real party in interest.

2.14 That under date of February 24, 1976 your federal Plaintiff-Virginia Cramer wrote to Judge Richard D. Kuhn, Sheriff Johannes Spreen and Prosecutor Brooks Paterson, all Oakland County officials and requested that the invalid bench warrants pending against Virginia Cramer be recalled, and however, her request was obviously ignored. (See Exhibit B, attached hereto.)

2.15 That the said invalid bench warrants issued by Defendant-Judge Richard D. Kuhn, in the absence of jurisdiction, remained as a lien on your federal Plaintiff-Virginia Cramer's vehicle operating license from April 9, 1975

through and including June 12, 1981, the day of illegal arrest.

2.16 That during the said false imprisonment on said June 12, 13, 14 and 15, 1981, your federal Plaintiff-Virginia Cramer suffered from nausea and headaches, was rudely treated and unreasonably hassled by jail-attendants and deprived of medical attention and personal needs and while required to sleep on the floor because of her illness while illegally and falsely imprisoned.

2.17 That your federal Plaintiff-Virginia Cramer was subjected to abuse, mental and physical torment, mental humiliation, in the absence of any charges against her, in the absence of a complaining witness, in the absence of issuance of summons, in the absence of probable cause, and in the absence of any cause of action in the Oakland County Circuit Court, but by the willful and wanton, malicious meddling of Defendant-Judge Richard D. Kuhn, in the absence of jurisdiction, and without any justification.

2.18 That your federal Plaintiff-Virginia Cramer has never submitted voluntarily to the jurisdiction of the Oakland County Circuit Court.

2.19 That during the dates of June 12, 13, 14 and 15, 1981, Plaintiff-Virginia Cramer was fingerprinted, treated like a criminal, mugged, chained, shackled and handcuffed and suffered severe physical discomfort, mental humiliation and anguish; that the memory of said false arrest and false imprisonment has caused her loss of sleep, extreme nervousness and mental distress.

III. CAUSE OF ACTION AND FEDERAL INTERVENTION

3.1 That on October 6, 1981, your federal Plaintiff-Virginia Cramer was again threatened with jailing for thirty (30) days and whereby it appears to be contemplated that Defendant-Judge John D. O'Hair is to enforce an injunctive order which orders nothing. (See Exhibit A, and see Exhibit D, attached hereto.)

3.2 That Exhibit D, attached hereto, is instigated by attorney H. Rollin Allen and is

a proposed Judgment to jail Virginia Cramer for thirty (30) days commencing October 30, 1981, to enforce the prior so-called "injunctive order" of January 5, 1973, which actually orders nothing. (See Exhibit A, attached hereto.)

3.3 That your federal Plaintiff-Virginia Cramer has not submitted to the jurisdiction of the Wayne County Circuit Court; that the Wayne County Circuit Court is without jurisdiction in the absence of a remand in 399 Mich 116, Docket No. 56413, in the Michigan Supreme Court.

3.4 That the Wayne County Circuit Court was without jurisdiction on March 13, 1981, to issue said "Order to Show Cause" in the State case No. 72-218-571-CZ; that the Wayne County Circuit Court was without jurisdiction on April 29, 1981, to issue a bench warrant for the arrest of Virginia Cramer.

3.5 That the Wayne County Circuit Court was without jurisdiction on June 12, 1981 to arrest

and detain and book Virginia Cramer; that the Oakland County Circuit Court was without jurisdiction to arrest, detain, book, and imprison said Virginia Cramer.

3.6 That some of the members of the State Bar of Michigan will continue and persist in acting illegally unless they are restrained and enjoined and pay the consequences for acting illegally.

3.7 That 42 USCA 1983 provides as follows:

> "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

3.8 That 42 USCA 1985, et seq., provides for recovery of damages occasioned by injury or deprivation, against any one or more of the conspirators in conspiracy to interfere with civil rights, obstructing, or defeating, in any manner, the due course of justice, with

intent to deny the equal protection of the laws, or to injure any citizen or his property for lawfully enforcing, or attempting to enforce the right of any person to the equal protection of the laws.

3.9 That 28 USCA 1443 provides for removal of civil rights cases, civil actions, to the district court of the United States, commenced in a State court where it is pending:

> "(1) Against any person who is denied or cannot enforce in the court of such State a right under any law providing for the equal civil rights of citizens of the United States, * * * .
>
> "(2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law."

3.10 That 28 USCA 1343, provides for original jurisdiction of any civil action authorized by law to be commenced by any person:

> "(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in Section 1985 of Title 42; * * * for redress of deprivation, under color of any State law, statute, ordinance

> regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons * * * ."

3.11 That the Fourth Amendment to the United States Constitution prohibits illegal searches and seizures; prohibits issuance of warrants without probable cause, together with Michigan Constitution of 1963, Article I, Section 11, prohibiting illegal arrests and false arrests and imprisonments.

IV. RELIEF

4.1 That this Honorable court has jurisdiction to issue an immediate "Order to Show Cause With Temporary Enjoining Order" and pending a proper hearing in the matter, and that your federal Plaintiff-Virginia Cramer requests:

A. That the members of the State Bar of Michigan, as applied, the said Defendants, their agents, representatives, employees and attorneys, be required to show cause before this United States District Court why they should not be preliminarily and permanently

restrained and enjoined from:

1. Harassing, hasseling, annoying, molesting and/or otherwise interferring and/or meddling with the trade and business of persons exercising their constitutional right of self-help and self-representation;

2. Denying and/or preventing access to information, forms, instructions, documents, typewriting assistance, filing assistance and services to individuals seeking to exercise their guaranteed constitutional right of self-representation in the courts of the State of Michigan;

3. Initiating or attempting to initiate and/or assisting to initiate any proceedings against Plaintiff-Virginia Cramer in the absence of a complaining witness, in the absence of probable cause, and/or in the absence of jurisdiction and/or in the absence of real party in interest;

4. Harassing, hasseling, annoying or molesting any members of the general public utilizing services of the trade and business of Virginia Cramer, Plaintiff herein;

5. Engaging and/or assisting in engaging in a plot to prevent, interfere with, restrict or preclude the proper effectiveness in the aid of administration of justice;

6. Engaging and/or assisting in engaging in a plot and/or conspiracy against or interferring with the trade or business of enabling persons of the general public to exercise self-representation;

7. Engaging in other conduct or misconduct contrary to the primary best interests and protection of the general public with regard to self-help and self-representation and services therefor;

8. Enforcing or attempting to enforce a judgment or Order which orders nothing.

4.2 That your federal Plaintiff-Virginia Cramer be issued a preliminary and/or permanent Judgment and Injunctive Order against the State Bar of Michigan and its applicable members as h[illegible]n prayed for.

4.3 That a jury trial be had as to all issues

so triable by jury for the general special, exemplary and punitive damages as warranted and justified in this cause of action and that your federal Plaintiff-Virginia Cramer be awarded the sum of ONE HUNDRED THOUSAND DOLLARS ($100,000.00) for damages to be assessed against the State Bar of Michigan and its members as applicable.

WHEREFORE your federal Plaintiff prays that this Honorable court:

A. Issue an immediate "Order to Show Cause as prayed in Plaintiff's motion submitted hereto.

B. Grant such other and further relief as may be consistent with the good conscience of the Court.

C. Assess defendants with costs and damages as applicable and award such damages and/or such other relief to Plaintiff upon a proper hearing and trial of the cause. (Jury trial demanded.)

FILED
10/21/81
w/Affidavit
w/Summons issued
and All Defendants
personally served.

/s/ VIRGINIA CRAMER, Plaintiff
In Pro Per
27314 Clairview
Dearborn Hts., Mich 48127
(313) 278-7286

APPENDIX O

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT

VIRGINIA CRAMER, NO. 81 73926

Petitioner-Plaintiff
VS

Dated:
1/8/82

STATE BAR OF MICHIGAN;
et al

Respondents-Defendants.

FIIED
1/15/82

NOTICE OF HEARING
NOTICE OF MOTION TO AMEND PETITION FOR REMOVAL OF STATE CASE (WCCC 72-218-571-CZ)

AFFIDAVIT
BRIEF IN SUPPORT OF MOTION TO AMEND PETITION FOR REMOVAL

TO: THE ABOVE-NAMED STATE BAR OF MICHIGAN and its alleged attorney-H. Rollin Allen, 1565 City National Bank Bldg., Detroit, Michigan 48226

PLEASE TAKE NOTICE that upon the hearing of the motion to remand said cause, alleged Defendant Virginia Cramer will ask leave of court to amend her petition for removal to incorporate her denials of the allegations in Plaintiff-State Bar of Michigan's motions for Order to Show Cause, and further that the State court lacked jurisdiction to issue such Orders to Show Cause and further, lacked jurisdiction

in the State court to issue warrants for the arrest of alleged Defendant-Virginia Cramer and/or in the alternative, and more specifically, that grounds for removal are that State action is involved, as more fully shown in the attached copies of Wayne County Circuit Court and Michigan appellate courts' documents, pertinent and listed herein as follows:

1. Docket No. 56412, Michigan Supreme Court DENIED leave to appeal prior to decision by the Court of Appeals; Ordered to admit defendant-Cramer to bail pending determination of her appeal before the Court of Appeals or until further order of the Court of Appeals. Dated: November 6, 1974.

2. Docket No. 21921, Michigan Court of Appeals (L.C. 72-218-571-CZ) granting plaintiff-appellee's motion to restrain appellant from violating the lower court injunction, dated December 3, 1974. No opposition filed.

3. Docket No. 21921, Michigan Court of Appeals (Wayne County Circuit Court #72-218-571-CZ,

dated May 29, 1975:

(Previously ordered remanded to Wayne County Circuit Judge John D. O'Hair for evidentiary hearing; hearing held on March 31, 1975, Wayne Circuit Court)

Ordered by Michigan Court of Appeals to transmit evidentiary matters to Michigan Supreme Court.

4. Docket No. 56413, Michigan Supreme Court GRANTED reconsideration of application for leave to appeal prior to decision of Court of Appeals in the matter of State Bar of Michigan v Virginia Cramer, Court of Appeals No. 21921, 19075 and 16168 (effecting Wayne County Circuit Court #72-218-571-CZ, dated June 5, 1975.)

5. See, decision and opinion of Michigan Supreme Court, dated December 30, 1976, reported at 399 Mich 116-161. NOT REMANDED to any other jurisdiction. Docket No. 56413.

6. Remittitur of Michigan Supreme Court, Docket No. 56413, entered December 30, 1976. NOT REMANDED to any other jurisdiction.

7. Wayne County Circuit Court, No. 72-218-571-CZ, Motion for Entry of an Order to Show Cause (ex parte) dated February 19, 1981, filed by H. Rollin Allen.

8. Wayne County Circuit Court, No. 72-218-571-CZ, ex parte Order to Show cause, signed by Judge John D. O'Hair, February 19, 1981.

9. Wayne County Circuit Court, No. 72-218-571-CZ, ex parte Motion for Entry of an Order to Show Cause and Order to Show Cause, filed and presented by H. Rollin Allen; ex parte Order to Show Cause signed by Judge William Leo Cahalan, March 13, 1981.

10. Copy of Wayne County Circuit Court ex parte "Order to Show Cause" entered on March 13, 1981, stamped with name of Judge John D. O'Hair (same Order as the Original ex parte order signed by Judge William Leo Cahalan).

11. Wayne County Circuit Court, No. 72-218-571-CZ, Warrant for the arrest of Virginia Cramer, signed by Judge John D. O'Hair on April 29, 1981.

12. Transcript of Wayne Circuit Court, No. 72-218-571-CZ, proceedings had before Judge John D. O'Hair, June 5, 1981.

13. Wayne County Circuit Court, No. 72-218-571-CZ, "Order for Bond" signed by Judge John D. O'Hair, June 5, 1981.

14. Transcript of Wayne County Circuit Court, No. 72-218-571-CZ, proceedings had before Judge John D. O'Hair, June 12, 1981, Virginia Cramer arrested.

15. Transcript of Wayne County Circuit Court, No. 72-218-571-CZ, proceedings had before Judge John D. O'Hair, June 17, 1981.

16. No. 72-218-571-CZ, Amended Motion for Entry of an Order to Show Cause, filed by H. Rollin Allen (date unknown). No response filed by "Cramer".

17. Praecipe, Motion to Quash Service of Process, Special and Limited Appearance in Propria Persona, Notice to the Plaintiffs (retroactive to December 30, 1976), Brief in

Support of Motion to Quash Service, Notice of Hearing and Proof of Service, filed, July 13, 1981, styled as follows:

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

THE STATE BAR OF MICHIGAN, a Public Body Corporate, and Wayne Circuit Court Judge John D. O'Hair, Wayne Circuit Court Judge William Leo Cahalan, H. Rollin Allen, Members of the State Bar of Michigan, et al,

Plaintiffs

VS

VIRGINIA CRAMER (no case pending in Wayne Circuit Court No. 72-218-571-CZ, without a remand by the Michigan Supreme Court)

Civil Action 72-218-571-CZ

(See attached copies, herein) Original Record

18. Letter from Judge John D. O'Hair, dated July 21, 1981. "Motion to Quash Service of Process" denied.

19. Wayne County Circuit Court, No. 72-218-571-CZ, "Order for Return of $1,000.00 cash bond deposited by Defendant" filed and signed by Judge John D. O'Hair, August 11, 1981.

20. Proposed "Judgment" submitted for entry in the Wayne County Circuit Court, No. 72-218-571-CZ, for signature of Judge John D. O'Hair, ordering "Cramer" to pay monies to witness-William W. Neville who sought no such relief from the Wayne County Circuit Court; further, if "Cramer" fails to pay said monies she is to be jailed in the Wayne County Jail. Also, see Letter by H. Rollin Allen, dated October 5, 1981.

21. See, affidavit of William W. Neville, filed in No. 81-73926, November 13, 1981, confirming that he sought no monies from "Cramer" and sought no relief from the Wayne County Circuit Court, and that H. Rollin Allen was unauthorized to represent William W. Neville-witness.

22. Removal of State case, filed October 21, 1981, together with New Complaint with some new and different parties, Summons issued. All new federal-defendants personally served.

BRIEF IN SUPPORT OF "REMOVAL"

STATEMENT OF THE CASE

The Michigan Supreme Court decided the matter of State Bar v Cramer on December 30, 1976 and issued a remittitur discontinuing the litigation on January 20, 1977. There was no remand to any other jurisdiction. This case is reported at 399 Mich 116-161.

On/or about February 17 or 19, 1981, attorney H. Rollin Allen on behalf of the State Bar of Michigan filed an ex parte motion for order to show cause in the Wayne County Circuit Court, No. 72-218-571-CZ (the same original case which was terminated, as above, in the Michigan Supreme Court by remittitur (without any remand) on January 20, 1977) An ex parte "Order to Show Cause" against Virginia Cramer was forthwith issued by (Wayne) Judge John D. O'Hair, but Virginia Cramer was not served and she was not evading service; she had no knowledge of the ex parte motion initiated by Mr. H. Rollin Allen.

On/or about March 13, 1981, attorney H.

Rollin Allen again filed an ex parte motion for order to show cause against Virginia Cramer and forthwith on March 13, 1981, an ex parte "Order to Show Cause" was issued and signed by (Wayne) Judge William Leo Cahalan, case No. 72-218-571-CZ (terminated in the Michigan Supreme Court on January 20, 1977, as above-shown). The alleged "Defendant-Cramer" was served with the second ex parte "Order to Show Cause" issued March 13, 1981, and attempted to reach Mr. H. Rollin Allen numerous times but he failed and neglected to respond to "Cramer's" messages. "Cramer" did not appear in the Wayne Circuit Court on April 24, 1981, the date set for"showing cause" of whatever. On April 29, 1981, (Wayne) Judge John D. O'Hair issued a warrant for the arrest of Virginia Cramer. Virginia Cramer was arrested on June 12, 1981.

The ex parte "Order to Show Cause" and an Amended motion for Order to Show Cause are still pending in the Wayne County Circuit Court, No. 72-218-571-CZ. Jurisdiction in the Wayne County Circuit Court is not waived.

Upon being arrested by the Wayne County Sheriff's office on June 12, 1981 "Cramer" was required to post $1,000.00 cash bond for her release, or be jailed. "Cramer" posted said bond, but she was not released; she was held in custody and detained for several hours and then transferred into the custody of the Oakland County Sheriff's deputies (in Wayne County), and then, she was transported from the Wayne County Jail by the Oakland County Sheriff's deputies to the Oakland County Jail, where she was incarcerated on June 12, 13, 14 and 15, 1981, on two (2) warrants for her arrest, issued by Oakland County Circuit Court Judge Richard D. Kuhn, Cases No. 74-114277 and 75-121954.

"Cramer" was never served with process as to the three (3) warrants (Wayne) No. 72-218-571-CZ; (Oakland) 74-114277 and 75-121954. No summons was issued; no complaints and no amended allegations were made against Cramer.

The "removal" action of the State case pending in the Wayne County Circuit Court together with "Cramer's" new complaint filed

in the federal district court adds the Judges John D. O'Hair, William Leo Cahalan and Richard D. Kuhn as well as adding H. Rollin Allen, jointly, severally and/or individually.

The Wayne County Circuit Court is without jurisdiction and had no power to adjudicate at all.

The Oakland County Circuit Court is without jurisdiction and had no power to adjudicate at all.

The courts without jurisdiction also have no jurisdiction to make error. Where the State circuit courts have no jurisdiction the State appellate courts acquire no jurisdiction.

Petitioner-Cramer's only remedy is in the federal court, and removal of the State matter (pending) and supplemental proceedings that, in fact, involve independent controversy with new and different parties may be removed into the federal court.

Where removal of a State case is purely statutory, the Federal court has a wide discretionary area in which to permit the removal.

The distinctions may be drawn in actions in which the only ground for removal is the defense that the "alleged defendant" could not constitutionally be subject to the process of the courts of the State. In the State cases (above-shown) there are no complaining witnesses against the said Virginia Cramer. No summons was issued. No complaints were filed. There was no amended complaint adding Virginia Cramer to any suit. No service of process was made upon Virginia Cramer. The basis of jurisdiction contemplated by the provisions of state statutes and Michigan General Court Rules is binding upon the defendant in personam only if said defendant has received notice by service of process as provided in MGCR 1963, 105.1 through 105.9. None of these requirements for a binding jurisdiction upon "defendant" Cramer in personam were met or even attempted.

Further, another distinction may be drawn where these supplemental proceedings of false arrest and false imprisonment, among other causes of action, involve independent contro-

versies with the adding of new and different parties. Buford & Co. v Strother & Conklin, CCD Iowa 1881, 10 F 406, 407.

The addition of new and different parties and supplemental causes of action constitute "state action" involvements and an undue exertion of power prohibitive and violative of the limitations provisions of the equal protection clause of the Fourteenth Amendment of the United States Constitution and where also the due process provisions were ruthlessly violated.

As to the ex parte "Order to Show Cause" issued in the Wayne County Circuit Court (pending) in No. 72-218-571-CZ, an individual cannot be personally bound by processes in a court which had no jurisdiction over him. Hadad v Lewis (DC 1974) 382 F Supp 1365. A court without jurisdiction has no power to adjudicate at all. Buczkowski v Buczkowski (1958) 351 Mich 216, 88 NW 2d 416.

In re Henry (an attorney), (1971) 32 Mich App 654, 189 NW 2d 96, the court held, "The compelling reason a court may not invoke

summary proceedings and punish for contempt one who fails to appear in court when required is that the reasons for the absence of such person may not be within the personal knowledge of the judge. Another important reason is that under such circumstances immediate punishment is not absolutely essential to preserve the power and dignity of the court nor to prevent then and there an abuse of the court's orders. Immediate punishment is not necessary to quell a disturbance, nor to prevent then and there an instant obstruction or interference with the orderly administration of justice. It is only when such narrow instances have occurred and even then only under the very eye and face of the Court that the due process of law requirements must yield so as to permit the court to invoke its summary contempt powers."

(See MGCR 908, Attorneys and counselors are officers of the courts of this State and as such are subject to the summary jurisdiction of such courts.)

"Cramer" is not an attorney or counselor.

> "In all other cases due process of law requires that one charged with contempt be advised of the charges against him, be afforded a hearing on those charges, and thereby have a reasonable opportunity to meet the charges by defense or explanation." In re Henry, supra.

Further, the grounds for "removal", i.e., False Arrest and False Imprisonment (42 USCA 1983, et seq., civil rights and "State action", among others) inhere in Petitioner-plaintiff-Cramer's claim, rather than in a defense or counterclaim.

WHEREFORE Petitioner-plaintiff-Cramer prays that this Honorable federal court will permit the "removal" of the State case No. 72-218-571-CZ (Wayne Circuit Court).

/s/ Virginia Cramer, In Pro Per
Petitioner-plaintiff and
alleged defendant in the
State case.

Dated:
Jan. 8, 1982

APPENDIX P

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT

NO. 81 73926

RETURN ON SERVICE OF WRIT FILED 11/6/81

I hereby certify and return, that on the 21st day of October 1981, I received this summons and served it together with the complaint herein as follows:

State of Michigan)
County of Wayne) ss.

SHERIFF'S RETURN

I DO HEREBY CERTIFY AND RETURN, that on the 22nd day of October A.D. 1981, at Detroit, in said County, I served a true copy of SUMMONS, COMPLAINT, MOTION, NOTICE OF REMOVAL upon H. Rollin Allen the defendant therein named, by then and there delivering to said defendant a true copy of the said documents.

WILLIAM LUCAS, Sheriff of
Wayne County

By /s/ Hezzie Morgan, Jr.
Deputy Sheriff

Dated:
10/26/81

APPENDIX Q

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT

VIRGINIA CRAMER,

Petitioner-Plaintiff,

NO. 81-73926

VS

THE STATE BAR OF MICHIGAN; JOHN D. O'HAIR; WILLIAM LEO CAHALAN; H. ROLLIN ALLEN; et al.

Respondents-Defendants.

FILED
11/13/81

REQUEST FOR CLERK'S ENTRY OF DEFAULT
(of Defendant-H. Rollin Allen, individually)

ENTRY OF DEFAULT

It appearing that the defendant H. Rollin Allen, individually, is in default for failure to plead or other wise defend as required by law as to the Complaint filed on October 21, 1981, and served on said Defendant H. Rollin Allen on October 22, 1981;

Default is hereby entered as against the said Defendant H. Rollin Allen, individually, this 13th day of November, 1981.

FILED
11/13/81

/s/ SARA F. FISCHER, Clerk

APPENDIX Q (continued) NO. 81 73926

TO: THE CLERK, United States District Court
for the Eastern District of Michigan -
Southern Division - Main floor -
Federal Building, Detroit, Michigan

Please enter the default of Defendant H. Rollin Allen, individually, herein, pursuant to Rule 55 (a) of the Federal Rules of Civil Procedure for his failure to plead or otherwise defend as to the Complaint served upon him on October 22, 1981 as appears from the attached affidavit.

/s/ Virginia Cramer
Plaintiff-petitioner
In Pro Per

Dated:
11/13/81

AFFIDAVIT OF FAILURE TO PLEAD OR OTHERWISE DEFEND IN SUPPORT OF APPLICATION FOR ENTRY OF DEFAULT
(Defendant-H. Rollin Allen, individually)

81-73926

Virginia Cramer, being duly sworn, deposes and says:

1. That she is the Petitioner-Plaintiff in propria persona and has personal knowledge of the facts set forth in this affidavit.

2. That the plaintiff herein, on the 21st day of October, 1981, filed in this cause her

complaint against the defendants herein.

3. That examination of the court files and record in this cause shows that the Defendant H. Rollin Allen, individually, was served by the Wayne County Sheriff - Civil Division with a copy of summons, together with a copy of plaintiff's complaint, on the 22nd day of October, 1981. (photocopy of "Return of Service" attached hereto.)

4. That more than 20 days have elapsed since the date on which the said Defendant H. Rollin Allen individually was served with summons and a copy of the complaint, excluding the date of service.

5. That the defendant H. Rollin Allen, individually, herein has failed to answer or otherwise defend as to plaintiff's complaint, or serve a copy of any answer or other defense as to said complaint which he might have had, upon the Plaintiff Virginia Cramer in propria persona.

6. That this affidavit is executed by affiant herein in accordance with Rule No. 55 of the Federal Rules of Civil Procedure, for

the purpose of enabling the Plaintiff herein to obtain an entry of default against the Defendant H. Rollin Allen, individually, for his failure to answer or otherwise defend as to the plaintiff's complaint.

/s/ Virginia Cramer, affiant
Plaintiff in propria persona

Short jurat
Dated 11/13/81

APPENDIX R

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT

VIRGINIA CRAMER, Civil Action

Petitioner-Plaintiff, 81-73926

VS

THE STATE BAR OF MICHIGAN, a Public Body Corporate, JOHN D. O'HAIR; WILLIAM LEO CAHALAN; RICHARD D. KUHN; H. ROLLIN ALLEN; All Other Members of the State Bar of Michigan similarly situated;

FILED
1/22/82

Defendants-Respondents.

MOTION FOR JUDGMENT BY DEFAULT BY THE COURT

COMES NOW Virginia Cramer, Petitioner-plaintiff, in propria persona, in the above-entitled cause, and moves this court for a

judgment by default in the above-entitled cause, and shows that the complaint in the above cause was filed in this court on the 21st day of October, 1981; the summons and complaint were duly served on the defendant, H. Rollin Allen, on the 22nd day of October, 1981; that no answer or other defense has been filed by the said defendant individually; that H. Rollin Allen should not be permitted to proceed in this Court pursuant to Federal Rules of Civil Procedure 54 (c) and 55 (a), (b) (2) and (c).

That default was entered in the civil docket in the office of the clerk of this court on the 13th day of November, 1981; that the proceedings taken by the said defendant H. Rollin Allen since the default was entered are highly irregular and improper and not in accordance with court rules of this court; that Mr. H. Rollin Allen improperly added his individual signature to the pleading on behalf of the State Bar of Michigan while having affixed his signature as also the attorney for the State Bar of Michigan;

That where the individual H. Rollin Allen is in default for failure to plead and defend pursuant to court rules, it cannot be properly accepted that said individual may tack himself onto other pleadings on behalf of his "client" the State Bar of Michigan; and the Court should not permit such deceptive and irregular occurance which would be contrary to court rules.

Further, in the pleading submitted by defendant-attorney H. Rollin Allen on behalf of his "client" State Bar of Michigan, while improperly tacking his individual-self onto said pleading after the Default was entered, claims only the defense of "immunity", for both himself individually and his "client" State Bar of Michigan, which is an invalid defense (which said pleading was received by "Cramer" on November 18, 1981) and interposed the problem of whether the pleading as such required any reply by "Cramer" your petitioner-plaintiff, and further highly improper by H. Rollin Allen in that it is obvious that he

seeks to relitigate the State case matters which are res judicata by the decision entered in the Michigan Supreme Court on December 30, 1976, reported at 399 Mich 116-161.

The individual-defendant-attorney H. Rollin Allen further has failed and neglected, in accordance with court rules, to file any pleading showing excusable neglect and/or a meritorious defense as good cause. The only defense claimed by H. Rollin Allen-individual-defendant is "immunity" which is invalid and he cites no law to support such "immunity" defense, and which fails to fall within the purview of a meritorious defense, in the federal court.

That instead of answering to petitioner-plaintiff's complaint which alleges, among other things, false arrest and false imprisonment in the absence of due process, in the absence of equal protection of the laws, by "State action" involved, in the absence of jurisdiction in the State case, and by conspiratorial and invidiously discriminatory process, conduct and misconduct, H. Rollin

Allen-individually and by his client-State Bar of Michigan seeks to relitigate under the State case (Wayne) No. 72-218-571-CZ, in the State lower court where said lower court was without any jurisdiction, as of January 20, 1977 and therefrom, to consider an ex parte motion for order to show cause against "Cramer" and where the case was terminated in the Michigan Supreme Court without any remand by the State high court to any court below.

WHEREFORE, your petitioner-plaintiff-Cramer moves that this Honorable Court make and enter a judgment in accordance with the relief sought by plaintiff-Cramer as follows:

A. Issue an injunctive order against Defendant-attorney H. Rollin Allen individually and all other members of the State Bar of Michigan similarly situated, their agents, representatives, employees and attorneys, permanently restraining and enjoining them from:

1. Harassing, hasseling, annoying, molesting and/or otherwise interferring and/or meddling with the trade and business of persons exercising their constitutional right of self-

help and self-representations;

2. Denying and/or preventing access to information, forms, instructions, documents, typewriting assistance, filing assistance and services to individuals seeking to exercise their guaranteed constitutional right of self-representation in the courts of the State of Michigan;

3. Initiating or attempting to initiate and/or assisting to initiate any proceedings against Plaintiff-Virginia Cramer in the absence of a complaining witness, in the absence of probable cause, and/or in the absence of jurisdiction and/or in the absence of real party in interest;

4. Harassing, hasseling, annoying or molesting any members of the general public utilizing services of the trade and business of Virginia Cramer, Plaintiff herein;

5. Engaging and/or assisting in engaging in a plot to prevent, interfere with, restrict or preclude the proper effectiveness in the aid of administration of justice;

6. Engaging and/or assiting in engaging in a plot and/or conspiracy against or interferring with the trade or business of enabling persons of the general public to exercise self-representation;

7. Engaging in other conduct or misconduct contrary to the primary best interests and protection of the general public with regard to self-help and self-representation and services therefor;

8. Enforcing or attempting to enforce a judgment or Order which orders nothing.

A. That your federal Plaintiff-Virginia Cramer be issued a preliminary and/or permanent Judgment and Injunctive Order against the State Bar of Michigan and its applicable members as prayed for in her Complaint.

B. That the Court enter its Declaratory Judgment definitive of "state action" and that "state action" is involved and prohibited within the meaning of the limitations of the equal protection clause of the Fourteenth Amendment to the United States Constitution

where individual or group is actually official arm of state and where individual action is forced or commanded by the State in denying access to the Courts unless individuals hire lawyers or attorneys, and that "state action" is prohibited where private discrimination is encouraged by the State policy of requiring individuals to hire lawyers or attorneys in any proceedings under law and regulations of the State, conspiratorially or otherwise.

C. That a jury trial be had as to all issues so triable by jury for the general, special, exemplary and punitive damages as warranted and justified in this cause of action and that your federal Plaintiff-Virginia Cramer be awarded the sum of ONE HUNDRED THOUSAND ($100,000.00) DOLLARS for damages to be assessed against the individual-defendant-H. Rollin Allen and/or other members of the State Bar of Michigan similarly situated.

D. Grant such other and further relief as may be consistent with the good conscience of the court.

/s/ Virginia Cramer, Plaintiff
In Pro Per

Dated:
Jan 21, 1982

Volume II

NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

VIRGINIA CRAMER,

Petitioner, Plaintiff and Appellant

VS

STATE BAR OF MICHIGAN;
JOHN D. O'HAIR;
WILLIAM LEO CAHALAN;
RICHARD D. KUHN;
H. ROLLIN ALLEN, and All Members
of the State Bar of Michigan
similarly situated,

Respondents, Defendants and Appellees

PETITIONER'S APPENDIX

IN CONJUNCTION WITH

PETITION FOR A WRIT OF CERTIORARI

Virginia Cramer
Pro se Petitioner
27314 Clairview
Dearborn Heights,
Michigan 48127
(313) 278-7286

February 1984

Volume II

PETITIONER'S APPENDIX
IN CONJUNCTION WITH
PETITION FOR A WRIT OF CERTIORARI

VOLUME I

TABLE OF CONTENTS

		page
APPENDIX A	Order filed 11/21/83 U.S. Court of Appeals	1 - 2
APPENDIX B	Order denying stay of Mandate, filed 12/27/83	3
APPENDIX C	Order, filed 5/4/83 U.S. Court of Appeals	4 - 5
APPENDIX D	Memorandum Opinion of U.S. District Court filed July 1, 1982	6-25
APPENDIX E	Order of Dismissal as to O'Hair and Cahalan filed July 7, 1982	26
APPENDIX F	Judgment dismissing action with prejudice State Bar of Michigan and H. Rollin Allen, Filed July 12, 1982	27-28
APPENDIX G	Order dismissing Richard D. Kuhn Filed 7/20/82	28-29
APPENDIX H	Memorandum opinion U.S. District Court filed 10/12/82	29-31
APPENDIX I	Order Amending Memorandum Opinion of 7/1/82, U.S. District Court, Filed 10/12/82	31-32

		page
APPENDIX J	Order denying rehearing O'Hair and Cahalan U.S. District Court filed 10/14/82	32-33
APPENDIX K	Order denying rehearing as to State Bar of Mich. U.S. District Court Filed 10/19/82	34-35
APPENDIX L	Order denying rehearing as to Richard D. Kuhn U.S. District Court Filed 10/21/82	35-36
APPENDIX M	Notice of Removal of State Case #72-218-571-CZ Petition, etc. Filed 10/21/81	36-43
APPENDIX N	Petitioner's Complaint U.S. District Court Filed 10/21/81	44-61
APPENDIX O	Petitioner's motion to Amend Petition for Removal of State case, Brief in support U.S. District Court Filed 1/15/82	62-76
APPENDIX P	Return on Service of Writ Defendant, H.Rollin Allen individually, Filed 11/6/81	77
APPENDIX Q	Clerk's Entry of Default against H.Rollin Allen, individually Filed 11/13/81	78-81
APPENDIX R	Motion for Judgment by Default against H.Rollin Allen, U.S. Dist. Court Filed 1/22/82	81-88

VOLUME II - PETITIONER'S APPENDIX		page
APPENDIX S	Order denhing "Remand" of State case, 72-218-571-CZ U.S. Dist. Court Filed 10/18/82	89-90
APPENDIX T	Transcript of 6/5/81 Wayne Circuit Court No. 72-218-571-CZ Judge O'Hair	90-96
APPENDIX U	Transcript of 6/12/81 Wayne Circuit Court No. 72-218-571-CZ Judge O'Hair	97-101
APPENDIX V	Transcript of 6/17/81 Wayne Circuit Court No. 72-218-571-CZ Judge O'Hair	102-127
APPENDIX W	Transcript of 9/7/72 Wayne Circuit Court No. 210-228 Judge T. Roumell	128-131
APPENDIX X	Transcript of 11/21/74 Wayne Circuit Court No. 74-018-521-DO Judge R.L. Olzark	132-138
APPENDIX Y	Transcript of 3/26/76 Wayne Circuit Court No. 74-033-912-DO Judge C. Kaufman	139-149
APPENDIX Z	Transcript of 10/31/80 No. 80-024-790-DO Wayne Circuit Court Judge O'Hair	150-157

VOLUME II - PETITIONER'S APPENDIX

		page
APPENDIX AA	Amendments One, Four and Five, U. S. Const.	158-159
APPENDIX BB	Amendments Six, Eight, and Nine, U.S. Const.	159
APPENDIX CC	Amendments Ten, Eleven and Thirteen, U.S. Const.	160
APPENDIX DD	Amendment Fourteen, U.S. Const.	161
APPENDIX EE	Stat. 42 USCA 1343	161-162
APPENDIX FF	Stat. 42 USCA 1983, 1985	163-164
APPENDIX GG	Stat. 42 USCA 1986	165
APPENDIX HH	Stat. 42 USCA 1988	166
APPENDIX II	Federal Rules of Civil Procedure, (FRCP) Rules 12(a)(b)(6) Rule 56 (c)(d)(e)	167-169
APPENDIX JJ	Michigan Const. of 1963, Art I, Sec 13	169
APPENDIX KK	Michigan Statutes MCLA 600.1430 MCLA 600.1901 MCLA 600.1905	170
APPENDIX LL	Michigan Statutes MCLA 600.1912 MCLA 600.1815 MCLA 600.1711 Mich. General Court Rule 760.1	171
APPENDIX MM	59 Am Jur 2d, Parties, at 1, 11, 192	172-173

page

VOLUME II - PETITIONER'S APPENDIX

APPENDIX NN	Rules 865 and 866 (1976-77) Mich. Gen. Court Rules	174-175
APPENDIX OO	Rules Concerning the State Bar of Michigan (a self-interest group) Rules 1, 5 and 16	175-176
APPENDIX PP	Mich. Statute MCLA 600.916	177

APPENDIX S

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT

VIRGINIA CRAMER, Civil No.

Plaintiff, 81-73926

v.

STATE BAR OF MICHIGAN;
JOHN D. O'HAIR;
WILLIAM LEO CAHALAN;
RICHARD D. KUHN;
H. ROLLIN ALLEN, et al.
_____/

FILED
10/18/82

ORDER DENYING MOTION TO REMAND REMOVED STATE CASE OF THE WAYNE COUNTY CIRCUIT COURT - NO. 72-218-571-CZ

Being fully advised in the premises and consistent with the Memorandum Opinion rendered by this Court on June 30, 1982, and involving motion for rehearing and Memorandum Opinion having been rendered by this Court on October 8, 1982,

IT IS HEREBY ORDERED AND ADJUDGED that the Motion of the Defendants State Bar of Michigan and H. Rollin Allen for remand of State case Wayne County Circuit Court, Civil Action No. 72-218-571-CZ for the proceedings commenced on February 17, 1981 and therefrom to the date of filing said removed case on Octo-

ber 21, 1981, is DENIED, and that the said remand is hereby denied.

/s/ Ralph M. Freeman
U. S. District Court Judge

Dated:
10/18/82

APPENDIX T

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF WAYNE

STATE BAR OF MICHIGAN, Civil Action No.

Plaintiff, 72-218-571-CZ

VS

VIRGINIA CRAMER,

(alleged) Defendant.

PROCEEDINGS

Had before the Honorable John D. O'Hair, Judge of the Third Judicial Circuit of Michigan, 1821 City-County Building, Detroit, Michigan 48226, on Friday, June 5, 1981.

APPEARANCE: Mr. H. Rollin Allen
Attorney at Law - on behalf of
State Bar of Michigan

Mr. Adam Angelas
Attorney at law - on behalf of
Sheriff (Wayne County)

Detroit, Michigan
June 5, 1981

THE CLERK: State Bar versus Kramer.

THE COURT: Mr. Allen?

MR. ALLEN: H. Rollin Allen on behalf of the State Bar of Michigan on the matter of Virginia Cramer. A Motion for the entry of an Order to Show Cause was filed on this matter and an Order to Show Cause was issued directing Virginia Cramer to appear on the 24th day of April, 1981. To Show Cause why she shouldn't be punished for contempt for violating a Judgment and Injunctive Order of the Court. The Order and Show Cause and Motion for the Entry of the Order was duly served upon her as evidenced by Proof of Service in the file.

On the 24th of April, 1981, at two o' clock, I appeared here and waited until sometime after 3:00 p.m.. At that time, when it was obvious that she wasn't going to appear, the Court directed me to prepare an Order for the issuance of a Warrant for her arrest. I did so. On April 29, 1981, the Court issued an Order for the

issuance of a Warrant and signed the warrant directing the Wayne County Sheriff to arrest Virginia Cramer. That was more than a month ago. Now, I was advised by a representatative of the Wayne County Sheriff's Office that she would appear voluntarily this morning in this Court at 9:00 a.m., I appeared here before nine and it is now ten minutes after ten and she still has not appeared.

MR. ANGELAS: Adam Angelas appearing for the Sheriff of Wayne County. Mr. Allen is correct to a certain point, however, I had been in contact with Virginia Cramer for the past two weeks and she, at no time, indicated that she wanted to be arrested and brought in because she felt for some reason that jurisdiction of the Court would attach if she was not arrested. However, I had indicated to her that I have no right to look behind a Warrant, an Order, a lawful Order of this Court. I was not the judge in this case. I certainly had no authority to do anything other than to advise my

client that he had no authority to do other than the Order required him to do and that was to arrest Virginia Cramer.

He then indicated to me that she had filed an appeal to the Supreme Court presiding in the same case and also served me and I believe, the Court with copies of that appeal. I have been in contact with yourself, Judge, at various times and indicated to the Court that we would make arrangements to either arrest Virginia Cramer or have her brought in at a time that was convenient to the Court. We then made arrangements, several times, to bring her in. I had conversations with her on the telephone as late as Wednesday of this week and she indicated to me that she was going to be downtown Friday, in the morning. That she would meet us somewhere in the downtown area around Kennedy Square, that she had to file an appeal and that we would have an officer there to arrest her and bring her in this morning. I indicated to her that that would be fine and that she please

call Carolyn Garengelli (ph) the office manager of the Sheriff's department, civil division. Carolyn Garengelli (ph), in fact, called her several times yesterday at which time she informs me, and this is hearsay, of course, we would have to bring her up here to take testimony, that Virginia Cramer told her that she had no understanding that she would be downtown and permit herself to be arrested. That she would not come into Court under any circumstances. This morning, I appeared before you indicating to the Court that I had been misled by statements that Virginia Cramer made. I realize that the Sheriff has no alternative but to carry out Orders of the Court. As the Court knows, the Sheriff is understaffed and we had some problems with getting units out there and causing the arrest. However, I can say to the Court that I will have a man out there, at her home and place a surveillance so that she will be brought before this Court whenever this Court thinks it advisable.

THE COURT: I think the Warrant should be executed as quickly as possible. To obviate any unnecessary detention over a weekend period of time, I would like to provide that in the event she is arrested, she has the opportunity to place a thousand dollar cash bond pending a hearing date, rather than simply bring her in any time she is arrested and expect you, Mr. Allen, to go ahead at that time. It seems to me that we have to have her assurance in Court, either on a voluntary basis or an involuntary basis and the former has not proved at all, so it seems that the latter course is necessary.

If arrested, she can place a one thousand dollar bond pending the actual hearing and the Order to Show Cause. Is that satisfactory, sir?

MR. ALLEN: I would prefer a five thousand dollar bond. I think that it is a little stronger incentive, she might be more likely to come down.

THE COURT: Well, it is my thought that a thousand will be as much motivation to Ms. Cramer as five thousand dollars. If it is determined that a thousand dollars is inadequate it can always be increased.

MR. ALLEN: Thank you, Your Honor.

THE COURT: I do want the personnel in the Sheriff's office to know that she has the option of placing a thousand dollar cash bond. Is an Order necessary to that end, sir?

MR. ANGELAS: Yes, it would be, Your Honor.

THE COURT: Could you do that. That upon her arrest, a bond of one thousand dollars will effectuate her release pending the release date.

(Proceedings concluded.)

Jeffrey B. Goldsmith
Official Court Reporter

APPENDIX U

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF WAYNE

STATE BAR OF MICHIGAN, Civil Action

Plaintiff, 72-218-571-CZ

VS

Virginia Cramer,

Defendant.

PROCEEDINGS

Had in the matter before the Honorable John D. O'Hair, Circuit Court Judge, on Friday, June 12, 1981, at Detroit, Michigan.

APPEARANCE: Virginia Cramer
27314 Clairview
Dearborn Heights, Michigan 48127
Appearing in pro per

Detroit, Michigan
Friday, June 12 1981

THE COURT: Mrs. Cramer, as a result of your failure to appear at a show cause hearing, a bench warrant was issued for your arrest. As a result of your warrant being issued, you have been put in the City --

MRS. CRAMER: Excuse me, your Honor. I am terribly thirsty because of this upset, my

mouth is so dry. (at drinking fountain) You may continue talking. I can hear you from this distance.

THE COURT: You are brought in on the warrant as a result of your failure to respond to the Court's order to show cause. At the time the warrant was issued, I entered an order to the effect that pending the hearing on the order to show cause, you could obtain your release by filing a $1,000 cash bond. The earliest time that I can schedule a hearing on the order to show cause is Wednesday, June 17, 1981, 9 a.m. Until you file the $1,000 cash bond, you will be in custody during that period of time. There is a problem that has been brought to my attention. I didn't anticipate it and I don't know how to resolve it. I'm going to bring it to your attention. In addition to the warrant I issued, two have been issued out of the Oakland County Circuit Court and they have holds for you in the event you are arrested as a result of which is if you pay $1,000, effect your release pending the hear-

ing in the Wayne County Circuit Court. You are not going to get out of jail.

MRS. CRAMER: Unless I pay the $1,000; is that what you're saying?

THE COURT: I am saying, in order to have your liberty pending the hearing on the order to show cause in the Wayne County Circuit Court, you have to put up a $1,000 cash bond, but I am told that there are other warrants that have been issued against you.

MRS. CRAMER: They're phony warrants, your Honor.

THE COURT: You're going to have to take care of them.

MRS. CRAMER: There is no case pending in the Oakland County Circuit Court that would name anyone to make me a party to any kind of action in the Oakland County Circuit Court. There is no jurisdiction inthe Oakland County Circuit Court and I claim likewise, there is no jurisdiction in the Wayne County Circuit Court.

THE COURT: You are not asked to. It's Wednesday morning at 9 a.m. that we will have the

hearing. I simply brought those facts to your attention. I understand you have a friend or somebody here.

MRS. CRAMER: My brother.

THE COURT: I don't know who it is, but somebody is here?

MRS. CRAMER: My brother. We went out to lunch today and drove up to the house when the arresting officers were there.

THE COURT: It seems to me you are going to have to seek assistance insofar as the Oakland County matter is concerned. I know nothing about it.

MRS. CRAMER: Your Honor, it seems very irregular that you would be involved in anything concerning Oakland County. In the first place, this happens to be Wayne County. I don't under stand why you are bringing it up.

THE COURT: I am concluding this hearing. The order on the show cause issued out of this court is Wednesday, June 17, 1981 at 9 a.m. The bond is $1,000 cash bond. If you make it, you will be released insofar as my

warrant is concerned. Officer, the hearing is over.

MRS. CRAMER: Will you take my check?

THE COURT: $1,000 cash bond.

MRS. CRAMER: You think people walk around with $1,000 cash? (in the murder and rape capitol of the world)

THE COURT: I think you knew about the warrant.

MRS. CRAMER: Your Honor has been charged with exceeding his jurisdiction in the Michigan Supreme Court. I am sure you had an opportunity to read the pleadings.

THE COURT: Mrs. Cramer, the hearing is over.

* * * * * * * * * * * * *

Cathy Silverman,
Court Reporter

APPENDIX V

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF WAYNE

STATE BAR OF MICHIGAN, Civil Action

Plaintiff, 72-218-571-CZ

VS

Virginia Cramer, 6-17-81

Defendant.

PROCEEDINGS

Had before the Honorable JOHN D. O'HAIR, Judge of the Third Judicial Circuit of Michigan, on Wednesday, June 17, 1981.

APPEARANCES: MR. H. ROLLIN ALLEN
Attorney at law - on behalf of
The State Bar of Michigan

MS. VIRGINIA CRAMER
In Pro Per

Detroit, Michigan
June 17, 1981

THE CLERK: State Bar of Michigan versus Virginia Cramer.

THE COURT: Good morning. Mr. Allen are you ready to proceed?

MR. ALLEN: Yes, Your Honor. This is the matter of the State Bar of Michigan versus Virginia Cramer. My name is Rollin Allen appearing

on behalf of the State Bar of Michigan. This matter is set for hearing this morning pursuant to an Order to Show Cause directed to Virginia Cramer as to why she should not be held in contempt for violating the provisions of an injunctive Order of this Court entered on January 5, 1973. As I understand it, I have to advise the Court that I will have to leave later on in the morning. I don't know how long this will take, but, if we may proceed at this time and go as far as we can?

THE COURT: All right, sir.

MR. ALLEN: Because of the shortness of the time, of course we had some subpoenas out directing people to appear at the original hearing when Ms. Cramer did not appear. We have been unable to get those subpoenas served again, so, at this time I would like to call Mrs. Cramer to the stand under the adverse party statute and to take testimony from Mrs. Cramer. Ms. Cramer?

MS. CRAMER: Your Honor, do I have an opportunity to object to the irregularity of

the proceedings?

THE COURT: Certainly.

MS. CRAMER: Number one, I question the jurisdiction of the Court in these proceedings. The matter was last heard in the Michigan Supreme Court. There was no remand for any further proceedings. It seems to me that if Mr. Allen wanted to pursue this matter in the lower court, that he would have necessarily had to initiate a whole new action based on facts showing probable cause. The issuance of a Summons and Complaint, etc, etc, etc. May I inquire where the original file is of this case?

THE COURT: I assume that it is with our County Clerk.

MS. CRAMER: I checked the County Clerk's office and they say that they have nothing. I checked with your clerk, Mr. Joe Hayes. There is nothing in the file relative to the proceedings that transpired prior to the time that it was taken on appeal.

THE COURT: I have a file here that bears a '72 number, but it is certainly not the file

that was originally created in this case, when initially commenced back in 1972. This is a duplicate file and it was prepared simply to accomodate the documents filed.

MS. CRAMER: I am sorry, I can't hear you. I would say that on the standards of the procedure and according to Court Rule and appellate rules and all the way down the line, that if Mr. Allen wanted to pursue this matter further, that he would have had to seek relief in the Court wherever the original file was. Where the original record is. Now, I am unable to locate the original papers on this matter. I think Mr. Allen should have had that burden or responsibility to determine that and wherever the original file is, that's where the proceedings should be. Whatever determination that Mr. Allen is seeking.

MR. ALLEN: If I may respond, Your Honor?

THE COURT: Yes.

MR. ALLEN: I have a copy of the judgment that was entered and the injunctive Order which

is the only important part in the file as far as these proceedings are concerned. That was the Judgment for plaintiff and the injunctive Order dated January 5, 1973 executed on this Court. If Ms. Cramer does not have a copy of that, I would be glad to let her see a copy that I have. The matter went to the Supreme Court of Michigan, as the Court knows, and the civil contempt finding of the Court was sustained. The injunction was sustained.

In the injunction there is a provision that the Court expressly reserves jurisdiction to perform all acts leading towards or necessary for the enforcement of this Judgment and injunctive Order. That's the background of this action.

THE COURT: Mrs. Cramer, I am satisfied without any question - -

MS. CRAMER: (Interposing) Just a moment, Your Honor. In response to Mr. Allen's referral to the injunctive Order, it is obvious that the injunctive Order is directed to persons doing business as Gordon,

Graham and Cramer and Associates, who no longer exist. There is no unseveralibility of the parties in that injunctive Order as to "and doing business as Gordon, Graham and Cramer". The reservation of the injunctive Order as to retention of jurisdiction reads, the Court, emphasis on T-H-E, The Court expressly reserves jurisdiction. That could mean the Court from which it last was heard who made any determination on it. It doesn't say "this court". And, my contention is in reading that injunctive Order, verbatim, without trying to slant anything one way or another, that the Michigan Supreme Court on affirming the injunctive Order, I would say, that the matter was last heard in the Michigan Supreme Court. And, on affirmation of the injunctive Order it could well mean that "The Court" means Michigan Supreme Court.

MR. ALLEN: I think Mrs. Cramer raised two points - -

THE COURT (Interposing): I think they have both been covered, frankly. Mrs. Cramer, I am satisfied that this Court has jurisdiction over these proceedings without any question whatever. The injunctive Order, entered January 5, 1973, was directed against you, individually, and in conjunction with Harold Graham, Michael Gordon doing business as Gordon, Graham and Cramer Associates. There is no question whatever that each of the individuals was enjoined permanently from engaging in the unauthorized practice of law - - -

MS. CRAMER (Interposing): But, wouldn't you please, Your Honor - -

THE COURT (Interposing): Just a minute, please. Mrs. Cramer, I didn't interrupt you - -

MS. CRAMER (Interposing): It must be, as doing business as - - - It doesn't say "or" - -

THE COURT: Mrs. Cramer, I have listened to you. You listen to me. Sit down, please. I will be courteous with you, if you will be courteous with me. You will have a full opportunity to present your position.

Don't interrupt and I won't interrupt you.

I have heard both sides on the point. I am absolutely satisfied that this Court has continuing jurisdiction and has had continuing jurisdiction since January 5, 1973 when this Order was entered. It is directed towards individuals doing business as Gordon, Graham and Cramer, Associates and is also directed against the individuals named in the proceeding: Harold Graham, Michael Gordon and Virginia Cramer. It is a permanent injunction. That means that you are not to ever engage in the unauthorized practice of law, not simply at the time of the entry of judgment. The reservation of jurisdiction is really unnecessary, but it is provided in the judgment and it clearly reserved unto this Court the power to enforce it's orders. If there was no power to enforce it's orders, the Order would be absolutely meaningless. I am satisfied that the matter is properly before this Court.

I do have some concern about plaintiff's

counsel calling, under the adverse party statute, the defendant for purposes of cross examination. Do you see any problem with the privilege of self-incrimination being involved?

MR. ALLEN: Since this is not a criminal action, I do not.

THE COURT: Mrs. Cramer, do you wish to be heard on the point?

MS. CRAMER: I am not familiar with the language in the adverse party statute. As a matter of fact, I didn't even know that one existed. He hasn't cited any statute and hasn't given me any reference to which I might do some research on. That's my whole objection to the Order to Show Cause, Your Honor, there were no facts stated in the Order to Show Cause. There was nothing to respond to. On information and belief is not an acceptable position of an affiant to obtain an Order signed by the Court. There is no showing of probable cause. There is absolutely nothing. It's a big boobytrap as far as I am concerned. You'll

have to forgive my language, but I don't know how else to label it. I also go by past experience in matters that I was victimized in. It seems to me as though lawyers can just request anything of the Court, no matter whether it is in conformance with Court Rules, or in conformance with statutes, or whether it is in conformance with proper procedure, or whatever, And particularly through the miscellaneous clerk, miscellaneous judge procedure where the miscellaneous clerk slops the stamp all over the paper before the judge even sees the motion for the Order to Show Cause. Then the judge affixes his signature or a rubber stamp signature to it and that, it seems to me as though I should be in the position of questioning the entire procedure of getting an Order through the Miscellaneous Clerk prior to the judge seeing it. The whole procedure seems irregular to me. It is clearly stated in case law that an affiant must show probable cause. There must be facts stated in the

motion or affidavit, of the affiant. There must be a whole lot of things before an Order can be obtained from the Court.

THE COURT: Ms. Cramer, you know that individuals in your position do have the right to legal counsel. When anybody is involved in judicial proceedings whether they be civil, criminal, contempt or otherwise, they do have the absolute right to be represented by legal counsel. I am simply apprising you of such right. Many of the statements that you make simply have no legal support whatever and it suggests to me that you need competent assistance in representing yourself in these proceedings. You have that option to obtain a lawyer. If you don't wish to take advantage of that right, that's your prerogative.

MS. CRAMER: Your Honor, it is not a matter of my taking advantage of the expertise of a lawyer, to engage the services of a lawyer. There is no lawyer available to represent me. This is on record at the referral service at the Detroit Bar Association. I

don't have the letter here, but I do have a letter at home indicating that they are unable to find a lawyer to handle my legal matters.

THE COURT: Mr. Allen, I am going to ask you to set forth, if you would, the precise violations alleged to have been committed by Mrs. Cramer insofar as disregarding the provisions of the January 5, 1973 Order?

MR. ALLEN: Very well, Your Honor. It is our position that first, Mrs. Cramer was ordered to refund to the customers, patrons or clients monies that she had received from the individual defendants. There has never been any proof that she did that.

She was also ordered to immediately notify in writing the customers whose cases were then being processed that further action had been permanently enjoined. There has never been any proof in this Court that she did that.

THE COURT: With reference to the Motion for entry of Orders to Show Cause filed in this case, wherein does it specifically allege

misconduct on the part of Mrs. Cramer?

MR. ALLEN: Well, it is based upon information and belief. And the information and belief on which it is based is as follows: As this Court is well aware, in the case of Michael John Chapman versus Liza Marie Chapman, which was heard in this court. The plaintiff testified that he had received some legal assistance from Mrs. Cramer. That the case of Chapman versus Chapman. 80 024 790 DO.

THE COURT: What was the number of that, please?

MR. ALLEN: 80 024 790 DO. I have a transcript of that testimony with me.

THE COURT: What are the other allegations, if any, sir?

MR. ALLEN: In addition to that proceeding, we have a transcript of the testimony in the matter of Hadley versus Hadley, is in the Oakland County Circuit Court. Civil action number 80 204 859 DO, in which there was testimony that Mrs. Cramer had given a party legal advise.

We have some pleadings in the case of

Huber versus Huber, Wayne County Circuit Court number 77 706 610 DO, which a motion for disqualification of Judge Neal Fitzgerald. An affidavit and notice of hearing, motion praecipe, which we are informed fairly believe were prepared by Mrs. Cramer.

In the case previously referred to, Chapman, we were informed that she prepared a deed in that case. We are advised that she prepared an affidavit when the divorce judgment was failed to provide for change of name.

We were advised in the case of Woods versus Woods, Wayne County Circuit Court case number 76 612 359 DM. Again, a motion for disqualification and other pleadings which, upon information and belief are advised and believe that she prepared.

In the case of Kniff versus Kniff, which is a case in the Wayne County Circuit Court assigned to Judge John R. Kirwan, number 77 712 438 DO. The pleading which we believe upon information and belief were prepared and filed by Mrs. Cramer.

In the case of Jim Christy Real Estate Inc., versus Byron, which is a matter in the District Court for the 19th Judicial District, Case number 4115C, upon information and belief pleadings were prepared by her involved in that case.

In the case of Simmons versus, and I will have to spell it, NGBODILLE, Wayne County Circuit Court number 80 007 706 DO.

MS. CRAMER: Would you repeat that number, please, Mr. Allen?

MR. ALLEN: 80 007 706 DO. We have a transcript of those proceedings and we were advised that she gave legal advice to prepare the pleadings for the parties in that case.

Those are the only ones we have this morning, Your Honor.

THE COURT: Have you supoenaed anybody to be here this morning?

MR. ALLEN: No, I have not. I do have transcripts of those proceedings; the Chapman case, the Hadley case. We would offer, as exhibits, or if the Court would -- I am not

sure of the correct proceedings. If the Court would like to take whether they should be offered as exhibits, or if the court would take judicial notice of the files. The Chapman case is in the Wayne County Circuit Court as are several of the others.

MS. CRAMER: Your Honor, shouldn't I be furnished with a copy of the transcript, or whatever Mr. Allen is referring to?

MR. ALLEN: We will be glad to furnish you same.

MS. CRAMER: I should be given the opportunity to question the accuracy of the transcript itself.

THE COURT: I think we will be unable to proceed this morning. There are several things that I see that are absolutely essential to procedural due process. The first of which is a defendant in a contempt proceeding, whether it be civil or criminal is entitled to know in advance of the hearing the specific allegations of misconduct. Consequently, if the State Bar wished to proceed further on this matter, it will be necessary

to file an amended motion, setting forth with preciseness the specific acts claimed to be in violation of the Court's judgment and Order of January 5, 1973, committed by the defendant Virginia Cramer.

It is just absolutely basic to due process, advance notice of what the claims against one are. We cannot go ahead without that type of notice. Secondly, she does have the right to cross examine persons who will testify against her. So, consequently, at the adjourned date we are going to have to have a hearing where live witnesses are presented to afford Mrs. Cramer the opportunity to cross examine them concerning the testimony that they may give concerning her violation of the subject Court judgment and Order.

MR. ALLEN: The Court is aware that they were available when Mrs. Cramer failed to appear and we had to let those people go. So, there was people prepared to testify in the original hearing, but she didn't appear.

THE COURT: I still feel that it is absolutely necessary that they return voluntarily or by court process. Their failure to appear today, though they were here previously cannot negate one's right to procedural due process under any conceivable theory. At the adjourned hearing date, I would ask that you present to the Court, Mr. Allen, the precise matter as it relates to the applicability or inapplicability of the privilege against self-incrimination in civil contempt proceedings where there is a possibility of commitment to jail, even though the defendant may purge himself or herself by compliance with the court order in the event that it is determined that there is a violation.

Again Mrs. Cramer, I advise you that you do have the right of counsel. Whether you wish to take advantage of it is your determination. Somewhere in this state there is an attorney or attorneys who will represent you, whatever the merit or lack of merit your position may be.

Secondly, you will receive notice of specific allegations against you. You should be prepared, as you see fit, to meet those allegations. The burden of proof is upon the plaintiff to sustain the allegations of contemptuous conduct. But, you do have the right to present a defense to those allegations if you wish to do so. Again, that is your prerogative.

MS. CRAMER: Your Honor, if I were to receive something proper in writing that I could respond to - -

THE COURT: Mrs. Cramer, you are going to receive something. That's why I directed Mr. Allen to file an amended motion setting forth with specificity.

MS. CRAMER: I understand that.

THE COURT: You will receive. Mr. Allen, the amended motion should be filed with the Court and a copy thereof served upon Mrs. Cramer within ten days of the hearing date.

MS. CRAMER: Your Honor, also any allegations that might appear in Mr. Allen's amended motion. Could there also be supporting

material of whatever nature such as a transcript that he has obtained. Could those be furnished to me also? You see, Your Honor, what I find from my own experience is that the lawyer in a particular matter uses different words to interpret whatever he wants to impart to a person. The choice of words is so important compared to a layperson's language. Now, I might say right off the top of my head here, that when Mr. Allen says, she is giving legal advice, well, what's legal advice compared to what's illegal advice, or whatever. It is a choice of words that lay people generally do not understand. So, if he is relying on certain lay people's testimony, or whatever it might be, I think that I should be entitled to whatever -- You know, whatever he arrived at in his conclusions to come up with this broad statement that she has given legal advice. That these people testified that she gave legal advice, whatever. It is a very important choice of words that, I think I should have. You know, whatever material

Mr. Rollin Allen has, to examine it carefully before any hearing. Before any proceedings take place.

THE COURT: Firstly, the transcripts that he has, I assume, provides the basis for the assertion that on information and belief, you have been engaged in the unauthorized practice of law. When we have the evidentiary hearing, the case is not going to be decided on those transcripts. The case is going to be decided on live testimony that is presented during the hearing. The transcripts will not be the basis for any determination. They may be utilized for some valid evidentiary purpose such as impeachment or what have you. But, this isn't going to be a trial of affidavits or transcripts. There are going to be witnesses available for your examination.

Secondly, in the amended motion, you will receive specific notice or information as to the proceedings involved in the allegation that you engaged in the unauthorized practice of law violative of the judge's judgment and Order. You can order

those transcripts if you think it is appropriate.

MS. CRAMER: It takes a long time to get those transcripts, an awful long time.

THE COURT: That's your prerogative. Maybe Mr. Allen, if you ask him will make those transcripts available to you for examination. I see no reason why he wouldn't. Mr. Allen, is there a problem there?

MR. ALLEN: Absolutely not. I have copies which I will see that she gets.

THE COURT: There is the resolution of a problem right there. You will have copies of the transcripts in advance of the hearing. Bear in mind, that this is a civil contempt proceedings. I want that unequivocally clear. Insofar as your involvement in the courts are concerned, it has always been objective and subjectively a civil contempt proceeding as far as the Court is concerned. There is never any desire to punish whatever. All this Court was ever interested in doing is obtaining compliance with the Court's judgments and Orders, nothing more.

So, as a result of the case and the opinion that went to the Supreme Court, on this record, I want it clear that a civil contempt proceeding no punishment per se is requested or will be imposed. If confinement results, it is only to obtain compliance of the Court's judgments and Orders, nothing more.

I think that we have to agree upon a hearing date that is mutually convenient and, also, which affords both sides the opportunity to prepare for the hearing.

MR. ALLEN: We have ten days to file our motion. How much time thereafter will she have to file a responsive pleading?

THE COURT: I would think that ten days is sufficient.

MS. CRAMER: Your Honor, is the Wayne Circuit Court judiciary going to take cognizance of the Michigan Supreme Court's decision with reference to the injunctive order and in reference to the conflict that appears in the Michigan Supreme Court's decision as to the injunctive order even though it was affirmed and even though there was a

clarification in the Michigan Supreme Court's decision as to sale and distribution of forms.

THE COURT: I will take judicial notice.

MS. CRAMER: And yet, there was no proceeding in any court seeking a modification of that injunctive order.

THE COURT: I think the order is clear, Mrs. Cramer, what the Supreme Court held in your case is not unclear to me. The only part that I question was the determination that it was a criminal contempt proceeding insofar as one aspect. But, the rule of State Bar versus Cramer, et al., is simply that the sale and distribution of legal forms without advice as to their completion or processing does not constitute the unauthorized practice of law. When you have sale and distribution coupled with advice and assistance in completion, then you have crossed the line from authorized activity to unauthorized activity, specifically, the unauthorized practice of law in violation of the law of the State of Michigan.

But, as I said, I will take notice and consider any applicable law germain to these proceedings. What date would be convenient to both of you insofar as the hearing is concerned.

MR. ALLEN: Whatever the date the Court sets. Sometime in July.

MS. CRAMER: Well, allowing ten days and then another ten days for an answer, that already takes care of twenty days out of the calendar, so this is already the seventeenth. Twenty days would put it at - -

THE COURT: How does August 11th sound? Does it meet with your schedule?

MS. CRAMER: Well, right now I don't foresee any difficulty in my part at this time, no.

THE COURT: I think that we have to come to some firm dates. The hearing day will be August 14, 1981, 9:00 a.m. - -

MR. ALLEN: The 11th, Your Honor.

THE COURT: Pardon me, the 11th at 9:00 a.m., if I said the 14th, I was mistaken.

The State Bar's amended motion insofar as it's order to Show Cause to be filed June 29th. Mrs. Cramer, your response is

to be ten days later. That would be, we will give you until July 13th, a little more than ten days.

MR. ALLEN: Thank you.

THE COURT: The matter is adjourned until August 11th.

(Proceedings concluded)

Jeffrey B. Goldsmith
Official Court Reporter

NOTE: On August 11, 1981, Judge John D. O'Hair issued an Order for restoration of $1,000.00 cash payable to Virginia Cramer.

APPENDIX W

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF WAYNE

JOANNE SYKES, Civil Action

Plaintiff, No. 210 228

VS

HARVEY LOUIS SYKES, (1972)

Defendant.

TRANSCRIPT

Proceedings had and testimony taken before the Honorable Thomas Roumell, Circuit Judge, at 512 Old Wayne County Building, in the City of Detroit, County of Wayne and State of Michigan, on September 7, 1972.

APPEARANCES: JOANNE SYKES
Appearing in Pro Per

REPORTED BY:
Madonna Anton
Official Court Reporter

PROCEEDINGS

Detroit, Michigan
September 7, 1972

THE CLERK: Sykes versus Sykes.

MRS. SYKES: I am representing myself, please.

JOANNE SYKES WAS THEREUPON called as a witness herein and after first being duly sworn to tell the truth, the whole truth and nothing but the truth, testified as follows:

MRS. SYKES: Your Honor, my name is Joanne Sykes, I live at 2304 Taylor, Detroit, Michigan. I have been a resident of the State of Michigan for three years and the County of Wayne for three years, prior to my filing of this divorce action.

I was legally married to Harvey Louis Sykes by a Judge in the City of Detroit, Michigan, on the third day of June, 1968. My name prior to my marriage was Joanne Edmondson.

My husband and I cohabited together from the time we were married until about August 9, 1970, at which time we were separated because he refused to accept the responsibility of family living expenses, such as clothing, food and rent, etcetera.

I am not pregnant as of this date and from the date of our marriage to this date there were no children born of our marriage.

There has been a breakdown of our rela-

tionship to the extent that the objects of matrimony have been destroyed and there seems no reasonable likelihood that the marriage can be preserved.

I am without relief --

THE COURT: You are what?

MRS. SYKES: I am without relief except in this Honorable Court and I pray this Honorable Court dissolve this marriage and adjudge an absolute divorce from the bonds of matrimony; order and adjudge that no alimony be paid; order and adjudge that both of us shall retain the personal property now in our own respective possession, free and clear of any claim of the other; restore my former name.

That would be it, Your Honor, if you have no other questions, may I call my witness?

THE COURT: The prevailing divorce law in this state has specifically waived the need of a witness so the Court does not desire or need a witness.

The Court, in compliance with Act No.

75 of the Public Acts of 1971, Section 6, subparagraph 3, I quote, states as follows:

> "The Court shall enter a judgment dissolving the bonds of matrimony if evidence is presented in open court that there has been a breakdown in the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved."

On the basis of the testimony you have presented to the Court, the Court denies your petition for a Judgment of Divorce, it being impressed that the evidence you have given is inconclusive as to how the marriage, and insufficient to demonstrate, how the marriage has broken down, the objects of matrimony broken down.

Okay?

MRS. SYKES: Okay.

* * * * * (Conclusion of proceedings) * * * * *

APPENDIX X

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF WAYNE

JEANETTE HUDSON, Plaintiff, -vs- EDWARD HUDSON, Defendant.

Case No. 74-018-521 DO

11/15/74

11/21/74

Proceedings had in the above-entitled cause before the HONORABLE ROLAND L. OLZARK, Circuit Judge, Room 1801 City-County Bldg., Detroit, Michigan, on Friday, November 15, 1974 and Thursday, November 21, 1974.

APPEARANCE: JEANETTE HUDSON, Plaintiff
In Pro Per

ARNITA M. WARE,
CSR Court Reporter

Detroit, Michigan
Friday,
November 15, 1974

JEANNETTE HUDSON, having been first duly sworn to testify to the truth, the whole truth and nothing but the truth, was examined and testified upon her oath as follows:

MRS. HUDSON: I'm representing myself.

THE COURT: Did you prepare these papers?

MRS. HUDSON; Well, with a little help.

THE COURT: Did you pay someone money to prepare this suit for you?

MRS. HUDSON: Some, yes.

THE COURT: Who did you pay it to?

MRS. HUDSON: Virginia Kramer.

THE COURT: When was this?

MRS. HUDSON: June.

THE COURT: In June of this year?

MRS. HUDSON: Yes, sir.

THE COURT: How much did you pay her?

MRS. HUDSON: Ninety-five Dollars, I think.

THE COURT: Did she type up these papers for you?

MRS. HUDSON: Yes, sir.

THE COURT: Who came down and filed the papers with the Court?

MRS. HUDSON: She did.

THE COURT: She came down and filed the papers?

MRS. HUDSON: Yes, sir.

THE COURT: All right.

MRS. HUDSON: Your Honor, my name is Jeanette Hudson. I live at 5816 Lakewood, Detroit, Michigan. I have been a resident of the

State of Michigan for 26 years and the County of Wayne for 26 years prior to the filing of this divorce action. I was legally married to Edward Hudson by a minister in the City of Grosse Pointe, State of Michigan, August 31, 1972. My name prior to our marriage was Jeanette Maime (Phonetic). My husband and I lived together from the time we were married until about June, 1974, at which time we were separated. He left me, he drank excessively, and he did not support me. He beat me and would not pay the bills.

I am requesting this divorce under the No-Fault Divorce Law. From the day of this marriage, there was no children born.

There has been a breakdown of our relationship to the extent that the objects of matrimony have been destroyed and there is no reasonable likelihood that the marriage can be revived. I am without relief except from this Court and I ask that His Honor -- Your Honorable Court will dissolve this marriage and adjudge an absolute divorce

from the bonds of matrimony; adjudge that no alimony be paid. Order and adjudge that both of us shall retain our personal property now in our own respective possession, free and clear of any claim of the other.

Any questions, Your Honor?

THE COURT: Did she issue the service for papers on your husband, also -- service of the papers on your husband, also?

MRS. HUDSON: Yes, sir.

THE COURT: And for all this she charged only Twenty-five Dollars?

MRS. HUDSON: No, Ninety-five.

THE COURT: Ninety-five?

MRS. HUDSON: Yes, sir.

THE COURT: All right. The Court will take the matter under advisement.

* * * * * * * * * * * * * * *

Detroit, Michigan
Thursday
November 21, 1974

THE CLERK: Case No. 74-018-521 DO, Jeanette Hudson versus Edward Hudson.

THE COURT: Mrs. Hudson, in regard to this

matter, it's my understanding that you paid Virginia Kramer Ninety-five Dollars in June of the year for preparation of your divorce papers. I think there has been considerable publicity that she was under injunction not to include these type of things, and she violated this injunction as reported to me. It doesn't seem to me that there is any alternative for the court but to dismiss this case without prejudice, and you can procure the proper help in preparing this case.

MRS. HUDSON: You mean, I don't get the divorce?

THE COURT: Yes, ma'am, not at this point.

MRS. HUDSON: But, sir, I didn't know anything about this.

THE COURT: There was considerable publicity. She's violating a Court Order.

Now, you may have some recourse against her, and I suggest that you consult an attorney in that regard, to see what your recourse against her is in regards to getting your Ninety-five dollars back.

MRS. HUDSON: Okay. Thank you.

THE COURT: I suggest to you that there is, over at the Bar Association, right here on Woodward and Griswold, you can consult an attorney. The cost will be Ten Dollars to you, and he will be able to give you legal advice. There is a program over there for One Hundred Twenty-five Dollars ($125); if you qualify for the program.

We have to protect the general public, also. Maybe in one violated case, the case might go through, but if we have people who are not trained in the law practicing the law, someone is going to get into some serious difficulty somewhere along the line. So, we have to put a stop to this. It may be unfair to you in this instance, but it has to be stopped. So, I suggest you go over to the Bar Association and you may be able to talk to any attorney over at the center, and talk about what you can do about getting your money from Mrs. Kramer, and about a new divorce action.

* * * * * * * * * * * * * * * * * * *

APPENDIX X (continued)

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

JEANETTE HUDSON,

Plaintiff in pro per

-vs-

EDWARD H. HUDSON,

Defendant

Divorce

74-018-521-DO

Entered by the Court: 11/21/74

ORDER DENYING DEFAULT JUDGMENT OF DIVORCE AND ORDER OF DISMISSAL

This cause coming regularly before the Court for hearing on Pro-Con divorce and the Court having heard proofs, taken cause under advisement and rendered an opinion from the bench,

IT IS ORDERED that the Default Judgment of Divorce is denied and further;

IT IS ORDERED that the said cause be and it hereby is dismissed without prejudice.

/d/ ROLAND L. OLZARK
Circuit Judge

Date:
Nov 21, 1974

APPENDIX Y

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF WAYNE

PAUL W. AUSTIN, NO. 74-033912-DO

Plaintiff,

vs.

March 26, 1976

MAGNOLIA AUSTIN,

Defendant.

Transcript of proceedings had in the above-entitled matter before the Honorable Charles Kaufman, Circuit Judge, at Detroit, Michigan, on Friday, March 26, 1976.

APPEARANCES: PAUL W. AUSTIN, In Pro Per

Reported by:
George A. Lott, Jr.,
Official Court Reporter

Detroit, Michigan
Friday, March 26, 1976
Morning Session.

- - -

THE CLERK: Paul Austin versus Magnolia Austin.

THE COURT: You do solemnly swear or affirm the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

THE WITNESS: I do.

THE COURT: You are Paul Austin, right?

THE WITNESS: That's right.

THE COURT: And you filed a complaint for a divorce?

THE WITNESS: I did.

THE COURT: Who prepared it for you?

THE WITNESS: I did.

THE COURT: You did?

THE WITNESS: Yes, sir.

THE COURT: Did anybody help you?

THE WITNESS: No.

THE COURT: Nobody assisted you?

THE WITNESS: No.

THE COURT: How did you know what to allege in the Complaint?

THE WITNESS: It was nothing to allege but what had happened to me.

THE COURT: How did you know how long you had been a resident and when you were married and to whom, how did you know you were supposed to have that information in there?

THE WITNESS: Because I did it.

THE COURT: And you also put what her former name was, right?

THE WITNESS: That's right.

THE COURT: Did anybody tell you that --

THE WITNESS: No.

THE COURT: -- you need that in there?

THE WITNESS: No.

THE COURT: How did you know you needed these things in the Complaint?

THE WITNESS: It is a matter of legal.

THE COURT: It is the law, right?

THE WITNESS: That's right.

THE COURT: And everybody knows the law?

THE WITNESS: They should.

THE COURT: Who notarized it for you?

THEWITNESS: Miss Cramer.

THE COURT: Didn't she give you any assistance in filling this out?

THE WITNESS: No. She had to take what I say.

THE COURT: Where did you get the form from?

THE WITNESS: The Macomb County Court House.

THE COURT: You got the form from the Macomb County Court House?

THE WITNESS: Yes.

THE COURT: Who gave it to you there?

THE WITNESS: Some clerk.

THE COURT: Some clerk gave you a form for a Complaint for Divorce?

THE WITNESS: I got the form and they told me how to go about it.

THE COURT: They told you how to go about it?

THE WITNESS: Yes.

THE COURT: Was this person that told you how to go about it an attorney?

THE WITNESS: Yes, sir.

THE COURT: It was an attorney. How come the attorney didn't put his name on it if he helped to prepare it? The law requires any attorney to put his name on it.

THE WITNESS: He wasn't hired for my attorney, I just got the advice from him.

THE COURT: You just got the advice from him?

THE WITNESS: Yes, sir. I had tried a divorce before, see, and I didn't want her to have nothing to do with it. I had to get the papers and I got the papers from over there. Everything else in this divorce is what I said, like I am telling you. I know the grief it brought me, it had to be explained to the Court, and I know the Court can adjudge the case and that's what I am ask-

ing, if you will.

THE COURT: My next question is: You say what you did was filled in certain blanks on this Complaint, right?

THE WITNESS: I filled out a paper. I filled out what I had, what was to be said, and how I felt about my marriage and what I was to tell you.

THE COURT: That doesn't answer me. My question is, this paper which is entitled "Complaint for Divorce -- "

THE WITNESS: Uh-huh.

THE COURT: -- did you type it out yourself?

THE WITNESS: No. that's the copy of what I had.

THE COURT: Where is the original?

THE WITNESS: That's the original.

THE COURT: That's what I am talking about.

THE WITNESS: It was run through one of those . .

THE COURT: Duplicators?

THE WITNESS: Yes.

THE COURT: Who did that?

THE WITNESS: Miss Cramer did that.

THE COURT: Then she gave it to you?

THE WITNESS: No, she didn't give me that.

THE COURT: You got it somehow.

THE WITNESS: I told you where I got it from, your Honor. I am pleading to you for this divorce under, under - under the, the law of no fault law.

THE COURT: What law is that?

THE WITNESS: The no fault law.

THE COURT: What is the citation of that law? Do you know the citation?

THE WITNESS: The citation?

THE COURT: Yes, so I can find it.

THE WITNESS: No. It is the law for you to get the divorce under no fault.

THE COURT: If you come in here and cite law, you have got to give me the citation of what law you are talking about.

THE WITNESS: I may not know all the definitions of law as you do by being a Judge, but I know the grievance that is in a marriage, that is a burden to me, that you can relieve me of this. I know I understand that.

THE COURT: Well, you see, based upon just what little you told me, much of which I don't believe because it is incredible that you got something from an attorney in Macomb

County who advised you how to do it -- It's notarized by Virginia Cramer and I will take judicial notice that I have seen the exact duplicate of these Complaints wherein there are blanks left to fill in the date, place of marriage, maiden name of the wife and the other allegations, I am satisfied that this case is tainted with the improper and illegal practice of law and I am going to dismiss the case.

THE WITNESS: Your Honor, just a minute, I would like to ask you this question. What are you dismissing this case upon?

THE COURT: I can't hear you.

THE WITNESS: Are you dismissing this case?

THE COURT: Yes.

THE WITNESS: Because of personal representation or because of some personal feeling towards someone else?

THE COURT: I have no personal feeling towards anyone else involved except I am satisfied from what you have indicated and from what I can see in the pleadings that it's tainted with the illegal and unauthorized practice of law and on that basis I am

dismissing it.

THE WITNESS: Your Honor, that is irrelevant to what I am here for, a divorce, and you should not be looking back upon the record of somebody else.

THE COURT: I understand.

THE WITNESS: I don't see any other way to do it. How can I have the relief of this burden?

THE COURT: This Court will not be a party to the improper practice of law. Had you come in here, as you are trying to tell me, completely in pro per, I would give you the same consideration that anybody would be given .

THE WITNESS: That's what I did to the best of my knowledge. Are you holding this --

THE COURT: It is obvious to me that is not the case and I am so holding.

THE WITNESS: What case?

THE COURT: I beg your pardon?

THE WITNESS: What case are you speaking of?

THE COURT: This case.

THE WITNESS: A divorce case?

THE COURT: It is obvious to me in this case you didn't come in here just as an ordinary pro per citizen, that these pleadings were prepared by Virginia Cramer, she has notarized them, and the format is well familiar to this Court.

On that basis, the Court is dismissing it. Now, this may not be the last say. I am just one Judge that we have in this circuit.

THE WITNESS: I think I have a right to ask you this question.

THE COURT: I don't think you do.

THE WITNESS: I, if I come to you for a divorce, you wouldn't have told me what to put down, you would have to ask me what was my complaint just like anybody else. You are not a fortune teller.

THE COURT: Right.

THE WITNESS: But now you don't want to take this because you have a grievance, maybe, with Miss Cramer. I have nothing to do with that. I am here as any other citizen and with the rights of a citizen pleading for my divorce and that there is no law

that says I have to have an attorney of any special name to apply to that petition.

THE COURT: Are you finished, Mr. Austin?

THE WITNESS: No, sir, I am not.

THE COURT: Let me know when you are finished.

THE WITNESS: When I get finished, I want the record to show you refused me because of some feeling you have got towards Miss Cramer. That's what I want it to show.

THE COURT: Are you finished, Mr. Austin?

THE WITNESS: Yes.

THE COURT: The Court is going to make a ruling now. The Court is ordering that this case be dismissed because I make a finding that it is tainted with the unauthorized and illegal practice of law. Now, I assume you know all these things.

THE WITNESS: Then the case is, on my part is found insufficient?

THE COURT: I am further going to tell you that, while it is gratuitous, if you don't agree with my ruling, that is why we have courts of appeal.

THE WITNESS: Well --

THE COURT: We have a Court of Appeals if you disagree with my ruling.

THE WITNESS: You could do the same thing the Court of Appeals do if you would. I got sense enough to know that.

THE COURT: Next case.

THE WITNESS: You judge too many cases to throw this case aside because of one little incident, I know that.

(Whereupon, the hearing was concluded.)

- - - - -

APPENDIX Z

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF WAYNE

MICHAEL JON CHAPMAN,

Plaintiff,

NO. 80 024 790 DO

-vs-

LESAH MARIE CHAPMAN,

Defendant. Oct. 31, 1980

JUDGMENT OF DIVORCE

Proceedings had before the Honorable John D. O'Hair, Judge of the Third Judicial Circuit of Michigan, 1821 City-County Building, Detroit, Michigan, on Friday, October 31, 1980.

APPEARANCES: MICHAEL JON CHAPMAN
In Pro Per

Jeffrey B. Goldsmith
Official Court Reporter
CSMR-0037

October 31, 1980

PROCEEDINGS

THE CLERK: Chapman versus Chapman.

MICHAEL J. CHAPMAN having been duly sworn by the Clerk on his oath to tell the truth, was examined and testified as follows:

DIRECT EXAMINATION

MR. CHAPMAN: Your Honor, may I proceed?

THE COURT: No. Just a minute, please, What is your name, please?

MR. CHAPMAN: My name is Michael Jon Chapman.

THE COURT: Where do you reside, sir?

MR. CHAPMAN: I live at 27158 Colleen Court, Dearborn Heights, Michigan.

THE COURT: How long have you been a resident of the State of Michigan?

MR. CHAPMAN: I have been a resident of the State of Michigan for thirty years.

THE COURT: How long have you been a resident of Wayne County?

MR. CHAPMAN: For the County of Wayne for three years before filing this Divorce action.

THE COURT: Has that been a continuous residence immediately prior to filing this complaint for divorce?

MR. CHAPMAN: Yes, it has.

THE COURT: Who is Lezah Marie Chapman?

MR. CHAPMAN: She my wife.

THE COURT: Prior to your marriage to Mrs. Chapman, what was her maiden name?

MR. CHAPMAN: Lezah Marie Thompkins.

THE COURT: When, where and by whom were you married?

MR. CHAPMAN: We were married in Clio, Michigan on August 18, 1972 by a minister.

THE COURT: During the course of your marriage, were any children born?

MR. CHAPMAN: No, there were not.

THE COURT: During the course of your marriage, was any property of consequence acquired?

MR. CHAPMAN: No, there was not.

THE COURT: You have alleged in your complaint for divorce, that there has been a breakdown in your marital relationship between yourself and your wife to the extent that the objects of matrimony has been destroyed and there is no reasonable likelihood that your marriage can be preserved. Why do you feel that there has been a breakdown in your marriage that cannot be preserved?

MR. CHAPMAN: It became known to me that my wife left me to relocate with another man causing me extreme mental suffering. She went around a lot and neglected me.

THE COURT: When did you and your wife separate?

MR. CHAPMAN: On or about June 15, 1980.

THE COURT: Have you had any communication with her since that time?

MR. CHAPMAN: By telephone.

THE COURT: Have you discussed these divorce proceedings with her?

MR. CHAPMAN: Yes, sir.

THE COURT: What is her attitude concerning the divorce?

MR. CHAPMAN: She is in full acceptance.

THE COURT: Do either one of you expect to receive alimony?

MR. CHAPMAN: No.

THE COURT: Is your wife desirous of having her former name restored?

MR. CHAPMAN: Yes, she is.

THE COURT: Mr. Chapman, the documents that you have presented to me are form documents. May I ask where you acquired them, sir?

MR. CHAPMAN: Virginia Cramer.

THE COURT: When did you acquire them?

MR. CHAPMAN: Around June 13th, 1980.

THE COURT: What were the circumstances attending your contact with Mrs. Cramer?

MR. CHAPMAN: Newspaper advertisement.

THE COURT: When you met with Mrs. Cramer, what generally was the character of your discussion?

MR. CHAPMAN: She showed me the paperwork that I needed to fill out so I could get the proceeding underway.

THE COURT: Did she explain the various documents to you?

MR. CHAPMAN: Yes, she did.

THE COURT: Did she explain what the legal requirements were in Michigan relative to obtaining a divorce?

MR. CHAPMAN: As far as what?

THE COURT: Residence requirements, grounds, Making inquiry concerning property, children. Things of that nature?

MR. CHAPMAN: Briefly.

THE COURT: Did she advise you as to the procedures that you would have to follow in order to prosecute your own divorce in the courts in the State of Michigan?

MR. CHAPMAN: Yes, she did.

THE COURT: How many contacts did you have with Mrs. Cramer?

MR. CHAPMAN: Three.

THE COURT: What was the significance or the reason for the second contact, sir?

MR. CHAPMAN: The second contact, I believe, was for the praecipe.

THE COURT: And the third contact?

MR. CHAPMAN: The third contact was just to go over the paperwork filed with the Clerk.

THE COURT: Would you be more detailed as to what you mean by "go over the paperwork"?

MR. CHAPMAN: She - what she did was mail all the forms. Not mail them, but she put them in envelopes for me to mail. Basically, handled all the paperwork that I needed to go through.

THE COURT: Just so I understand what transpired. You met with Mrs. Cramer as a result of her advertisement?

MR. CHAPMAN: Right.

THE COURT: She advised you as to generally, the legal requirements for obtaining a divorce in the State of Michigan?

MR. CHAPMAN: Correct.

THE COURT: Who completed the forms?

MR. CHAPMAN: I did.

THE COURT: Did you provide the information to Mrs. Cramer and she completed them or did you ask her - -

MR. CHAPMAN: I filled out all the forms myself.

THE COURT: What did you pay Mrs. Cramer for her forms and service?

MR. CHAPMAN: Fifty-five dollars.

THE COURT: Mr. Chapman, I am going to grant your divorce, but I want you to know that it may well be that Mrs. Cramer is engaged in the unauthorized practice of law. She is not an attorney. The State Bar Grievance Board has requested judges such as myself to make inquiry concerning the so called, Cramer Divorce Kits. I have done so pursuant to the Bar's request. A copy of this transcript is hereby ordered and will be forwarded to the State Bar Grievance Board for whatever appropriate action is deemed necessary. The judgment for

divorce that you presented to me is signed. Your marriage is dissolved. I would suggest that you obtain true copies of your judgment of divorce from our Clerk, and that you serve a copy thereof upon your former wife. Thank you very much.

(Matter concluded.)

APPENDIX AA

AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES

AMENDMENT I

Congress shall make no law * * * abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, * * *; nor shall any person be subject for the same offence to be twice put in jeopardy of life

or limo; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; * * * .

APPENDIX BB

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right * * * to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

AMENDMENT VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT IX

The enumeration in the Constituion, of certain rights, shall not be construed to deny or disparage others retained by the people.

APPENDIX CC

AMENDMENT X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

AMENDMENT XI

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

AMENDMENT XIII

Section 1. Neither slavery nor involuntary servitude * * * shall exist within the United States, or any place subject to their jurisdiction.

APPENDIX DD

AMENDMENT XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

APPENDIX EE

STATUTORY PROVISIONS

28 USCA Section 1343

The district court shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen

of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights * * * ."

APPENDIX B

42 USCA Section 1983

Every person who, under color of any statute, ordinance, regulation, custom, or usage, or any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. * * *

42 USCA Section 1985

(2) * * * or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) If two or more persons in any State or Territory conspire or go in disguise * * * on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; * * * or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

APPENDIX GG

42 USCA Section 1986

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which **such** person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action;

* * *

APPENDIX HH

42 USCA Section 1988

The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of this Title, and of Title "CIVIL RIGHTS" and of Title "CRIMES," for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States * * *

APPENDIX II

FEDERAL RULES OF CIVIL PROCEDURE

Rule 12.

(a) A defendant shall serve his answer within 20 days after the service of the summons and complaint upon him * * * . The United States or an officer or agency thereof shall serve an answer to the complaint * * * within 60 days after service upon the United States attorney of the pleading in which the claim is asserted. * * *

(b) Every defense, in law or fact, to a claim for relief in any pleading, whether a claim, counterclaim, cross-claim, or third-party claim, shall be asserted in the responsive pleading thereto if one is required, except that the following defenses may at the option of the pleader be made by motion: * * * (6) failure to state a claim upon which relief can be granted, * * * If, on a motion asserting the defense numbered (6) to dismiss for failure of the pleading to state a claim upon which relief can be granted, matters outside

the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 56, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 56.

Rule 56.

(c) * * * The judgment sought shall be rendered forthwith if the pleadings * * * together with the affidavits, if any, show that there is no genuine issue as to any material fact * * * .

(d) If on motion under this rule judgment is not rendered upon the whole case or for all the relief asked * * * the court at the hearing of the motion, by examining the pleadings and the evidence before it and by interrogating counsel, shall * * * ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. It shall thereupon make an order specifying the facts that appear without substantial controversy

* * * and directing such further proceedings in the action as are just. * * *

(e) Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. * * * Sworn or certified copies of all papers or parts thereof referred to * * * shall be attached thereto or served therewith. * * * When a motion for summary judgment is made and sup= ported as provided in this rule, an adverse party * * * must set forth specific facts showing that there is a genuine issue for trial. * * * (emphasis added)

APPENDIX JJ

MICHIGAN CONSTITUTION OF 1963

Art. 1, Section 13. A suitor in any court of this state has the right to prosecute or de- fend his suit, either in his own proper person or by an attorney.

APPENDIX KK

MICHIGAN STATUTORY PROVISIONS

MCLA 600.1430; MSA 27A.1430

Every person of full age and sound mind, may prosecute or defend civil actions in any court by an attorney, or may, at his election, prosecute or defend civil actions in person. No person shall be permitted to prosecute or defend any civil action in person, when he has an attorney in such case.

MCLA 600.1901; MSA 27A.1901

A civil action is commenced by filing a complaint with the court.

MCLA 600.1905; MSA 27A.1905

(1) Upon the filing of the complaint the clerk shall forthwith issue summons. Separate summons may issue against any defendant. Duplicate summons may be issued from time to time with like effect as the original summons.

APPENDIX LL

MCLA 600.1912; MSA 27A.1912

Service of process may be made upon an individual by leaving a summons and a copy of the complaint with the defendant personally.

MCLA 600.1815; MSA 27A.1815

The writ of capias ad respondendum is abolished and no civil actions shall be started by arrest.

MCLA 600.1711; MSA 27A.1711 and Michigan General Court Rule 760.1

.1 Initiation of Proceeding. For contempts not committed in the immediate view and presence of the court, upon a proper showing on ex parte motion supported by affidavits, the court shall either order the accused party to show cause at some reasonable time, to be therein specified, why he should not be punished for the alleged misconduct, or shall issue a bench warrant for the arrest of such party. (emphasis added)

APPENDIX MM

59 Am Jur 2d, Parties, at 1, Generally.

"For litigation there must be a controversy and for a controversy there must be adverse parties. * * * The object of making a person a party to a legal proceeding is to enable him to be heard * * * and also to enable the court to entertain the action. In the absence of indispensable or necessary parties, the court may not proceed to judgment. * * *

"It is broadly stated that every man is entitled to an opportunity to be heard in a court of law upon a question involving his rights or interests before he is affected by any judicial decision on the question, and it is essential to the proper rendition of a judgment in personam that the court have jurisdiction of the parties. The general rule is that a judgment may not be rendered in favor of or against a person who was not made a party to the action. * * * (emphasis added)

" * * * The Federal Rules of Civil Procedure and similar state provisions declare that parties may be added by order of the court on its own initiative. * * *

and, at 11:

"Persons who have no interest in the subject matter of the action or in the relief demanded are not proper parties." (emphasis added)

and, at 192:

"After the court has made an order to that effect, the new parties are ordinarily brought in by amended and supplemental pleadings containing such allegations as are necessary to make the persons omitted, parties to the action, or as to make the allegations applicable to them * * * . It is also necessary that the new party be brought under the the jurisdiction of the court. * * * (emphasis added)

APPENDIX NN

MICHIGAN GENERAL COURT RULE 865 "Final Process from Supreme Court" (1976-1977)

An order or judgment pursuant to any decision of the Supreme Court shall be entered by the clerk under the direction of the court. Final process to which any party may be entitled upon a judgment or order of the Supreme Court shall be issued by the clerk not less than twenty nor more than thirty days from the time of the entry of such judgment or order unless otherwise ordered by the court or unless application for rehearing timely filed is pending.

MICHIGAN GENERAL COURT RULE 866 "Miscellaneous Relief Obtainable in Supreme Court." (1976-1977)

* * * .2 Allowing Act After Expiration of Time. Where, under the practice relating to appeals or stay of proceedings, any non-jurisdictional act is required to be done within a designated time, the Supreme Court or a judge thereof may at any time, upon motion and due notice, permit it to be done after expiration

of such period upon a showing made to the Supreme Court or a judge thereof that there was good cause for such delay or that it was not due to the culpable negligence of the appellant. Application for such permission shall be heard only on the usual notice required for special motions, and notice thereof shall be accompanied with a copy of the application and the affidavits on which the same is based.

APPENDIX OO

RULES CONCERNING THE STATE BAR OF MICHIGAN
(a self-interest group)

Rule 1. The State Bar of Michigan is the association of the members of the bar of this State, organized and existing as a public body corporate pursuant to powers of the Supreme Court over the bar of the State. The State Bar of Michigan shall * * * aid * * * in promoting the interests of the legal profession in this State.

Rule 5. * * * (b) The Board of Commissioners may * * * (7) bring an action or proceeding at law or in equity in a state or federal court or tribunal and intervene and be heard on an issue involving the membership or affairs of the State Bar in an action or proceeding pending in a state or federal court or tribunal.

Rule 16. The State Bar of Michigan is hereby authorized and empowered to investigate matters pertaining to the unauthorized practice of law and, with the authority of its board of commissioners, to file and prosecute actions and proceedings with regard to such matters.

APPENDIX PP

MCLA 600.916; MSA 27A.916

Unauthorized practice of law

Sec. 916 It is unlawful for any person to practice law, or to engage in the law business, or in any manner whatsoever to lead others to believe that he is authorized to practice law or to engage in the law business, or in any manner whatsoever to represent or designate himself as an attorney and counselor, attorney at law, or lawyer, unless the person so doing is regularly licensed and authorized to practice law in this state. Any person who violates the provisions of this section is guilty of contempt of the supreme court and of the circuit court of the county in which the violation occurred, and upon conviction is punishable as provided by law. This section does not apply to a person who is duly licensed and authorized to practice law in another state while temporarily in this state and engaged in a particular matter.

STATE BAR OF MICHIGAN v CRAMER

Docket No. 56413. Argued November 6, 1975 (Calendar No. 11).—Decided December 30, 1976.

The State Bar of Michigan filed a complaint against Harold Graham, Michael Gordon and Virginia Cramer alleging that the defendants were engaged in the unauthorized practice of law by their "Do-It-Yourself Divorce Plan" kit. The defendants allegedly advertised that persons who used the divorce kit could obtain a divorce, prepared pleadings for filing with courts, gave and sold legal advice, and advised customers on filling out pleadings and court procedure. The Wayne Circuit Court, John D. O'Hair, J., entered a judgment permanently enjoining the defendants from certain activities pertaining to advising persons about divorce. Defendant Cramer was subsequently adjudged guilty of contempt for violation of the injunction on several occasions. The Court of Appeals, Bashara, P. J., and Danhof and Churchill, JJ., affirmed (Docket No. 19075). The defendant appeals. *Held:*

1. All orders and judgments of courts must be complied with promptly. Persons who make private determinations of the law and refuse to obey an order generally risk criminal contempt even if the order is ultimately ruled incorrect. Violation of an invalid court order may nonetheless be treated as contempt, except where the court lacks jurisdiction to issue the order or, perhaps, where the defendant has no opportunity to contest the validity of the order.

2. The difference between civil and criminal contempt is that the former seeks to change the respondent's conduct by threatening him with a penalty if he does not change it, while the latter seeks to punish him for past misdoings which affront the dignity of the court; criminal contempt being for past miscon-

---

REFERENCES FOR POINTS IN HEADNOTES

[1, 2] 17 Am Jur 2d, Contempt § 34.
[3] 17 Am Jur 2d, Contempt §§ 42, 47.
[4] 17 Am Jur 2d, Contempt §§ 4, 5.
[5] 17 Am Jur 2d, Contempt § 5.
[6–19] 7 Am Jur 2d, Attorneys at Law §§ 73–90.
What amounts to practice of law. 151 ALR 781.

duct, there is no way for one so convicted to purge himself of the contempt.

3. There is no doubt that the defendant was found guilty of civil contempt April 23, 1973 when the circuit court told her that she would be jailed until she purged herself, and released her the following day after she promised to obey the order. That finding is, therefore, affirmed. The other convictions, however, despite the characterizations by the trial judge, were of criminal contempt; the jail sentences and fines were to punish the defendant for past conduct. Because the proceedings were conducted as civil proceedings but led to punishment for criminal contempt, the convictions are reversed.

4. Any attempt to formulate a lasting, all-encompassing definition of practice of law is doomed to failure for the reason that under our system of jurisprudence such practice must necessarily change with the everchanging business and social order. No essential definition of the practice of law has been articulated and the descriptive definitions which have been agreed upon from time to time have only permitted disposition of specific questions. Laymen are excluded from "law practice" solely to protect the public. This purpose of public protection must dictate the construction put on the term "unauthorized practice of law". The power of the state to regulate the practice of law, however, cannot be exercised so as to abrogate rights of individuals secured by the Constitution.

5. The advertisement and distribution to the general public of forms and documents used to obtain a divorce together with any related textual instructions does not constitute the practice of law. But the defendant goes well beyond merely making available those materials necessary to effect a divorce. She advertises "professional guidance" to her "clients". A personal conference is arranged between the defendant and her client to discuss the divorce. The defendant prepares the documents incident to the divorce proceedings, occasionally files the completed forms in court, and personally advises clients as to the proper testimony.

6. To the extent that the defendant provides personal advice peculiar to the dissolution of a specific marriage, she is engaged in the "unauthorized practice of law".

Affirmed in part, reversed in part.

Justice Williams concurred with the per curiam opinion and agreed with the necessity for skilled professional assistance in legal matters, but wrote further that this case is only a symptom of the problem created by the failure of the legal profession to see that sufficient legal services are reasonably available

and within the means of all people. The very rich and the very poor have access to lawyers, but it is generally admitted that middle-income groups do not have adequate legal services. Protection of the public will be achieved only by action to make skilled professional services available to those who have reasonable need of them. Justice Levin joined Justice Williams as to his remarks concerning the availability of legal services.

Chief Justice Kavanagh, with Justice Levin concurring, concurred in vacating the defendant's convictions of criminal contempt and affirming the judgment of civil contempt. He also agreed that the defendant is not engaged in the unauthorized practice of law when selling legal forms or "divorce kits". He did not, however, agree that the defendant should be prohibited from assisting individuals in the preparation of these forms or rendering other advice peculiar to the dissolution of a specific marriage, because the prohibition is counterproductive. Her customers will go to court less prepared than they are at present. Many people who seek divorces cannot afford, or think they cannot afford, a lawyer, are not eligible, or cannot wait, for legal aid services. The defendant provides an alternative for them, that of processing their own divorces.

Justice Levin also wrote separately to emphasize that:

1. Preparation and filing of standardized papers to obtain an uncontested no-fault divorce where there are no issues of child custody, child support, alimony or property settlement does not require the professional judgment of a lawyer, and therefore does not constitute the practice of law.

2. While it is unclear where the line should be drawn between those cases where a lay advocate may readily assist persons who wish to exercise their constitutional right of self-representation and cases where the client should be encouraged to obtain the services of a lawyer, it has not been demonstrated that once the relevant criteria are determined and the standard established, case-by-case application requires oversight by a member of the legal profession.

3. The organized bar, which has not made available the minimal counseling which would enable a person to exercise his right of self-representation, cannot be heard to say that this service which it does not provide is the practice of law.

4. The Legislature should address the issue of securing to the people their constitutional right of self-representation as part of the larger problem of providing legal services for persons of moderate circumstances.

56 Mich App 176; 223 NW2d 713 (1974) affirmed in part, reversed in part.

OPINION OF THE COURT

1. CONTEMPT—COURTS.

All orders and judgments of courts must be complied with promptly; persons who make private determinations of the law and refuse to obey an order generally risk criminal contempt even if the order is ultimately ruled incorrect.

2. CONTEMPT—COURTS.

The orderly and expeditious administration of justice by the courts requires that an order issued by a court with jurisdiction over the subject matter and person must be obeyed by the parties until it is reversed by orderly and proper proceedings.

3. CONTEMPT—COURTS—INVALID ORDER.

Violation of an invalid court order may nonetheless be treated as contempt, except where the court lacks jurisdiction to issue the order or, perhaps, where the defendant has no opportunity to contest the validity of the order.

4. CONTEMPT—CIVIL CONTEMPT—CRIMINAL CONTEMPT.

The difference between civil and criminal contempt is that the former seeks to change the respondent's conduct by threatening him with a penalty if he does not change it, while the latter seeks to punish him for past misdoings which affront the dignity of the court; criminal contempt being for past misconduct, there is no way for one so convicted to purge himself of the contempt.

5. CONTEMPT—CIVIL CONTEMPT.

A defendant was found to be guilty of civil contempt for disobeying an injunction where the trial court told the defendant she would be jailed until she purged herself, and released her the following day after she promised to obey the order; the defendant carried the keys of the prison in her own pocket, and the action is essentially civil.

6. ATTORNEY AND CLIENT—UNAUTHORIZED PRACTICE.

Laymen are excluded from "law practice" solely to protect the public; this purpose of public protection must dictate the construction put on the term "unauthorized practice of law" (MCL 600.916; MSA 27A.916).

7. ATTORNEY AND CLIENT—UNAUTHORIZED PRACTICE—CONSTITUTIONAL LAW.

The power of the state to regulate the practice of law cannot be

exercised so as to abrogate rights of individuals secured by the Constitution.

8. ATTORNEY AND CLIENT—UNAUTHORIZED PRACTICE—DIVORCE—ADVERTISEMENT.

The advertisement and distribution to the general public of forms and documents used to obtain a divorce together with any related textual instructions does not constitute the practice of law (MCL 600.916; MSA 27A.916).

9. ATTORNEY AND CLIENT—UNAUTHORIZED PRACTICE—DIVORCE—PROFESSIONAL GUIDANCE.

A defendant who advertises "professional guidance" to "clients" in obtaining a divorce; arranges a personal conference with the client to discuss the divorce; prepares the complaint, summons, and all documents incident to the divorce; occasionally files the completed forms with the court; and personally advises clients as to the proper testimony is engaged in the practice of law (MCL 600.916; MSA 27A.916).

10. ATTORNEY AND CLIENT—UNAUTHORIZED PRACTICE—PROFESSIONAL GUIDANCE.

The public has a right to be assured that the interests involved in divorce matters, such as child custody, contract and property rights, inheritance, separate property, and support, are properly represented by members of the State Bar; to the extent that a non-lawyer defendant provides personal advice peculiar to the dissolution of a specific marriage, she is engaged in the unauthorized practice of law (MCL 600.916; MSA 27A.916).

CONCURRING OPINION

WILLIAMS and LEVIN, JJ.

11. ATTORNEY AND CLIENT—UNAUTHORIZED PRACTICE—AVAILABILITY OF LEGAL SERVICES.

The failure of the legal profession to see that sufficient skilled legal services are reasonably available and within the means of all people creates a vacuum which will be filled by persons engaged in the unauthorized practice of law.

12. ATTORNEY AND CLIENT—UNAUTHORIZED PRACTICE—AVAILABILITY OF LEGAL SERVICES.

It is said that the very rich and the very poor have access to lawyers, but it is generally admitted that middle-income groups

do not have adequate legal services; protection of the public from the unprofessional practice of law will not be achieved by court orders or prison cells, but by prompt, positive, vigorous and imaginative action to make skilled professional services available to those who have reasonable need of them.

CONCURRING IN PART AND DISSENTING IN PART

KAVANAGH, C. J., and LEVIN, J.

13. ATTORNEY AND CLIENT—UNAUTHORIZED PRACTICE—DIVORCE—PREPARATION OF FORMS.

A defendant who provided legal forms and advice on their preparation to persons seeking an uncontested, "no-fault" divorce was not engaged in the unauthorized practice of law (MCL 552.6, 600.916; MSA 25.86, 27A.916).

14. ATTORNEY AND CLIENT—UNAUTHORIZED PRACTICE—DIVORCE.

Prohibiting a defendant from assisting individuals in the preparation of legal forms or rendering other advice peculiar to the dissolution of a specific marriage in an uncontested, "no-fault" divorce proceeding as the unauthorized practice of law is unsound and counterproductive (MCL 552.6, 600.916; MSA 25.86; 27A.916).

SEPARATE OPINION

LEVIN, J.

15. ATTORNEY AND CLIENT—UNAUTHORIZED PRACTICE—DIVORCE.

Preparation and filing of standardized papers to obtain an uncontested, "no-fault" divorce where there are no issues of child custody, child support, alimony or property settlement does not require the professional judgment of a lawyer, and therefore does not constitute the practice of law.

16. ATTORNEY AND CLIENT—UNAUTHORIZED PRACTICE—SELF-REPRESENTATION—PROFESSIONAL GUIDANCE.

While it is unclear where the line should be drawn between those cases where a lay advocate may readily assist persons who wish to exercise their constitutional right of self-representation and cases where the client should be encouraged to obtain the services of a lawyer, it has not been demonstrated that once the relevant criteria are determined and the standard established, case-by-case application requires oversight by a member of the legal profession.

17. ATTORNEY AND CLIENT—UNAUTHORIZED PRACTICE—SELF-REPRESENTATION—PROFESSIONAL GUIDANCE—AVAILABILITY OF LEGAL SERVICES.

The organized bar, which has not made available the counseling which would enable a person to exercise his right of self-representation, cannot be heard to say that this service which it does not provide is the practice of law.

18. ATTORNEY AND CLIENT—SELF-REPRESENTATION—AVAILABILITY OF LEGAL SERVICES.

The Legislature should address the issue of securing to the people their constitutional right of self-representation as part of the larger problem of providing legal services for persons of moderate circumstances.

19. ATTORNEY AND CLIENT—UNAUTHORIZED PRACTICE—PROFESSIONAL GUIDANCE.

The practice of law, functionally, relates to the rendition of services for others that call for the professional judgment of a lawyer; the essence of the professional judgment of a lawyer is his educated ability to relate the general body and philosophy of law to a specific legal problem of a client.

W. Gerald Warren for plaintiff.

Virginia Cramer *in propria persona.*

Amici Curiae:

William T. Kerr for Michigan Clinical Law Program.

Robert L. Reed, Alan W. Houseman and *William Burnham* for Michigan Legal Services.

PER CURIAM. The history of this case is convoluted and confusing. The business of defendant Cramer which is the source of this controversy is described by Judge O'Hair in his findings following a hearing on December 18, 1972.

"In May, 1972, defendants Graham and Gordon

formed a partnership to conduct a business that consisted of the sale of so-called 'divorce kits.' Later in August they expanded their firm to include the defendant Cramer as a partner. Their business is known as Gordon-Graham & Cramer Associates, and its offices are located at 15800 W. McNichols, Detroit, Michigan.

"Defendants, who admittedly are not attorneys, have solicited over 400 customers or clients by advertising 'DIVORCE' in daily newspapers having a general circulation throughout the State of Michigan. A 'Do-It-Yourself Divorce Plan,' as defendants characterize it, is made available to members of the public for a fee of $75 or $100, plus $30 to $50 costs.

"When a person is interested in purchasing defendants' 'Do-It-Yourself Divorce Plan,' he has a conference at the defendants' place of business. At the conference the client is advised that defendants are not lawyers, but that they do provide the forms and service which enables one to obtain his own legal divorce. A 'Questionnaire-Agreement' is completed before the termination of the conference.

"From the information set forth in the client's completed questionnaire, the complaint and summons are prepared by the defendants. Thereafter, all documents incident to the divorce proceedings are prepared for the client's or the court's signature. The completed documents are filed with the court and served upon the adverse party, if necessary, by the defendants or by the clients pursuant to the defendants' instructions. Clients are not given a so-called kit of divorce forms, but each form is completed and executed at defendants' office as needed at each appropriate step of the divorce proceedings.

"Before the evidentiary hearing for the entry of judgment, the defendants provide their clients with a statement setting forth suggested testimony to be offered by the client to the court and a list of suggested questions to be asked by the client of a corroborating witness.

"At all stages of the divorce proceedings the defendants, expressly or inferentially, advise the clients as to the legal procedures involved, provide all legal forms incident to the divorce proceedings, provide the service

to complete the aforesaid forms and provide optional assistance in filing and serving all documents.

"Defendants state that at present they are primarily interested in making their 'Do-It-Yourself Divorce Plan' available to persons who anticipate divorce proceedings that are uncontested and do not involve questions relative to children, alimony or marital property. In the past they have not been so selective." (Footnotes omitted.)

The State Bar of Michigan, alleging that it constituted the unauthorized practice of law, sought to enjoin defendant from engaging in this business. On January 5, 1973 Judge O'Hair of the Wayne Circuit Court entered an order permanently enjoining the defendants from:

"(1) Holding themselves out to the public as qualified to render advice and service to persons interested in obtaining a divorce in the courts of Michigan;

"(2) Rendering counsel and service to persons seeking to dissolve a marital relationship by obtaining a judgment of divorce in the courts of the State of Michigan; and,

"(3) Furnishing or offering to furnish kits, forms or documents with assistance in their completion or execution, to persons seeking to dissolve a marital relationship by obtaining a judgment of divorce in the courts of the State of Michigan."

The defendant continued in the business despite several orders finding her in contempt. We finally agreed to consider the matter and at oral argument the defendant frankly admitted she intended to keep on with it.

I

May defendant constitutionally be enjoined from providing divorce forms, assisting in the comple-

tion of these forms, and counseling persons seeking a no-fault divorce in Michigan on the grounds that she was engaged in the unauthorized practice of law, contrary to MCLA 600.916; MSA 27A.916?

Plaintiff asserts that whether or not defendant was engaged in the unauthorized practice of law, she is guilty of contempt for violating the injunction of the Wayne Circuit Court. It is a general rule that

"all orders and judgments of courts must be complied with promptly. If a person to whom a court directs an order believes that order is incorrect the remedy is to appeal, but absent a stay, to comply promptly with the order pending appeal. Persons who make private determinations of the law and refuse to obey an order generally risk criminal contempt even if the order is ultimately ruled incorrect. *Howat v Kansas*, 258 US 181, 189–190 [42 S Ct 277; 66 L Ed 550] (1922); *Worden v Searls*, 121 US 14 [7 S Ct 814; 30 L Ed 853] (1887). The orderly and expeditious administration of justice by the courts requires that 'an order issued by a court with jurisdiction over the subject matter and person must be obeyed by the parties until it is reversed by orderly and proper proceedings.' *United States v [United] Mine Workers*, 330 US 258, 293 [67 S Ct 677; 91 L Ed 884] (1947)." *Maness v Meyers*, 419 US 449, 458–459; 95 S Ct 584; 42 L Ed 2d 574 (1975).

"[I]n one important respect the violation of a court order generally is treated differently from the violation of a criminal statute: If the statute is invalid, the invalidity will require the defendant's acquittal. If a court order is invalid, its violation may nonetheless be treated as contempt, except where the court lacks jurisdiction to issue the order or, perhaps, where the defendant has no opportunity to contest the validity of the order." Kuhns, *Limiting the Criminal Contempt Power: New Roles For the Prosecutor and the Grand Jury*, 73 Mich L Rev 484, 504 (1975).

The reasons for this principle were set forth by

the United States Supreme Court in *Walker v City of Birmingham*, 388 US 307, 320–321; 87 S Ct 1824; 18 L Ed 2d 1210 (1967), upholding convictions for criminal contempt of civil rights marchers who were in violation of an injunction: "[I]n the fair administration of justice no man can be judge in his own case, however exalted his station, however righteous his motives * * * . [R]espect for judicial process is a small price to pay for the civilizing hand of law, which alone can give abiding meaning to constitutional freedom."

In the judgment and injunctive order of January 5, 1973, defendant was enjoined from engaging in the unauthorized practice of law, and specific instances of prohibited conduct were listed.

There is no doubt that defendant continued to violate the January 5 order, and, indeed is still doing so. Judge O'Hair adjudged defendant "guilty of civil contempt" on April 23, 1973, and ordered her jailed until she purged herself "by demonstrating that she will discharge her statutory and judicially imposed duty to cease permanently from engaging in the conduct proscribed by the court's judgment and injunctive order of January 5, 1973".

Defendant was jailed April 30, 1973, and on May 1, 1973 appeared before Judge O'Hair and made certain representations to purge herself of contempt, and was released.

On August 6, 1973, Judge O'Hair found that defendant "has violated her purgation of contempt and has broken her promise given in connection with said purgation of contempt to this Court on May 1, 1973 wherein she promised to abstain from the proscribed activities", and again adjudged her in contempt and sentenced her to five days in jail and assessed a fine and costs.

On December 19, 1973, Judge O'Hair again adjudged defendant guilty of contempt and sentenced her to five days in jail.

On October 15, 1974, Judge O'Hair found: "Defendant's * * * conduct from February 14, 1974 through June 27, 1974, has been in violation of the court's judgment and injunctive order of January 5, 1973. The contemptuous conduct has been willful, flagrant, and in absolute defiance of the Wayne County Circuit Court." Defendant was adjudged "guilty of civil contempt * * * as a result of her willful conduct * * * [and] as punishment * * * is to be sentenced to the Wayne County Jail for a period of 30 days, and, in addition thereto, is fined $250."

There is disagreement over the nature of these contempt proceedings, *i.e.*, whether defendant was found guilty of civil or criminal contempt.

> "Essentially, the difference between civil and criminal contempt is that the former seeks to change respondent's conduct by threatening him with a penalty if he does not change it, while the latter seeks to punish him for past misdoings which affront the dignity of the court. Criminal contempt being for past misconduct, there is no way for one so convicted to purge himself of the contempt." *Jaikins v Jaikins*, 12 Mich App 115, 120; 162 NW2d 325 (1968).

There is no doubt that the April 23, 1973 finding was that defendant was guilty of civil contempt. Judge O'Hair specifically told the defendant that she would be jailed until she purged herself. She therefore was able to "carry the 'keys of [the] prison in [her] own pocket' [and] the action is essentially civil". *People v Goodman*, 17 Mich App 175, 177; 169 NW2d 120 (1969). In fact, the following day Judge O'Hair released her after she prom-

ised to obey his order. We affirm that finding. The other convictions however, on December 19, 1973 and October 15, 1974, despite the characterizations by the trial judge, were for *criminal* contempt. The jail sentences and fines were to punish defendant for past conduct.

"If [contempt citation] is to punish the offender for his disobedience or contumacious behavior, then it is criminal contempt. If, however, the purpose is to compel obedience to an order of the court, then it is civil contempt." *Spalter v Wayne Circuit Judge*, 35 Mich App 156, 160–161; 192 NW2d 347 (1971).

As we said in *People v Johns*, 384 Mich 325, 333; 183 NW2d 216 (1971):

"When the hearing was instituted by a show cause order and placed on the civil docket, when the proceedings lacked any semblance of a criminal trial and when the sentence had elements of both civil and criminal contempt the defendant could have reasonably expected that he indeed was being held in civil contempt.

"We therefore hold that under the procedure followed here, the defendant could not have been found guilty of criminal contempt and his sentence for such must be vacated."

Judge O'Hair did not make these sentences "conditional". He did not tell defendant she would be able to purge herself of the contempt as he did during the April 23 proceeding. This sentence was "one of *punishment* for behavior already committed in violation of the decree, and the contempt action, being unconditional as to result, is criminal". *People v Goodman, supra*, at 178.

Accordingly, we hold defendant's criminal contempt convictions and resulting sentences must be vacated.

II

Does defendant's conduct constitute the unauthorized practice of law?

MCLA 600.916; MSA 27A.916 provides:

"It is unlawful for any person to practice law, or to engage in the law business, or in any manner whatsoever to lead others to believe that he is authorized to practice law or to engage in the law business, or in any manner whatsoever to represent or designate himself as an attorney and counselor, attorney at law, or lawyer, unless the person so doing is regularly licensed and authorized to practice law in this state. Any person who violates the provisions of this section is guilty of contempt of the supreme court and of the circuit court of the county in which the violation occurred, and upon conviction is punishable as provided by law. This section does not apply to a person who is duly licensed and authorized to practice law in another state while temporarily in this state and engaged in a particular matter."

Plaintiff contends that defendant has been in violation of this statute since 1972 as a result of selling legal forms and providing advice and counsel necessary to obtaining a divorce.

Defendant responds that all persons have a constitutional right to represent themselves in Michigan courts, and that all she is doing is assisting them in exercising that right. She also contends that the unauthorized practice statute is unconstitutionally vague, that her actions do not constitute the practice of law and that the statute and injunctive order deprive her of her first amendment rights. Amici Curiae, Michigan Clinical Law Program and Michigan Legal Services, agree with defendant's contentions, and also argue that the statute is overbroad, infringes on the right to privacy, and denies equal protection of the law.

To obtain a perspective on the particular problems presented by this case, it is helpful to recall in outline the historical development of the "practice of law".

"The first lawyers were personal friends of the litigant, brought into court by him so that he might 'take "counsel" with them' before pleading. 1 Pollack & Maitland, History of English Law (2d ed 1909) p 211. Similarly, the first 'attorneys' were personal agents, often lacking any professional training, who were appointed by those litigants who had secured royal permission to carry on their affairs through a representative, rather than personally. *Id.*, at 212–213." *Faretta v California*, 422 US 806, fn 16; 95 S Ct 2525; 45 L Ed 2d 562 (1975).

In England, the "practice of law" began to develop in 1178 when Henry II created a central court and appointed five clerks to serve as justices in litigation. By 1292, Edward I was forced to limit the number of practitioners due to the increasing number of unskilled persons practicing around the king's courts. Thus, the Court of Common Pleas was vested with the power to appoint attorneys and limit the practice of law to such persons.

The bar arose, therefore, from a need to protect the public from unskilled persons practicing law.

Pound traces four stages in the colonial development of the legal profession: (1) the attempt to function without lawyers; (2) the irresponsible filling out of writs by court officials; (3) the era of admitted practitioners in permanent judicial organizations; and (4) the era of trained lawyers and development of the organized bar. R Pound, The Lawyer From Antiquity To Modern Times (West, 1953) pp 135–163.

The development of the organized bar was sporadic until the early 1900's. In 1933 the American Bar Association appointed a Committee on Unauthorized Practice.

"Coexistent with the drive to prohibit unauthorized practice of law, there began a revival of the professional nature of the practice of law. Emphasis was increasingly placed upon the responsibilities of the legal profession to the administration of justice in a spirit of public service with the earning of a livelihood deemed 'incidental.' Justice Cardozo observed: '[One is] received into that ancient fellowship [the bar] for something more than private gain. [The lawyer becomes] an officer of the court, and, like the court itself, an instrument or agency to advance the ends of justice.' As the concept of public service returned to the legal profession, the courts resumed the role begun in 1292, assuming the responsibility of determining qualifications and imposing discipline upon those members of the profession who violated this spirit of public service as embodied in the Canons of Ethics. As public service became paramount to the profession, efforts to combat the unauthorized practice of law, both within and without the bar, became imperative. In the words of Samuel Tilden, speaking to a group which that night became the Association of the Bar of New York City in an effort to correct the appalling conditions which prevailed throughout the legal system, '[T]he Bar, if it is to continue to exist—if it would restore itself to the dignity and honor which it once possessed—must be bold in defense, and, if need be, bold in aggression.' In attempting to cope with the continuing problem of the unauthorized practice of law, the bar sought to inform the public of the dangers inherent in condoning such practice and to develop coercive remedies to alleviate the problem." Comment, *Unauthorized Practice of Law —The Full Service Bank That Was: Bank Cashier Enjoined From Preparing Real Estate Mortgages to Secure Bank Loans*, 61 Ky L J 300, 303–304 (1972). (Footnotes omitted.)

Michigan, as all other states, regulates the practice of law by statute.

1915 PA 314, ch I, § 61 did not prohibit the "unauthorized practice of law", but rather prohibited any person not licensed from "represent[ing] himself as an attorney at law * * * ".

1919 PA 314, § 61, amended the prior statute by adding that "[i]t shall be unlawful for any person who is not a regularly licensed attorney and counselor of this State * * * to practice law or to engage in the law business * * * ".

Prior to 1931 PA 51, violation of this statute was a misdemeanor. 1931 PA 51 made violation punishable as contempt of court.

This statutory scheme recognizes this inherent authority of the courts to control participants in the courts of the state. *E.g., Ayres v Hadaway,* 303 Mich 589; 6 NW2d 905 (1942).

The Michigan statute also provides that "[n]o person is authorized to practice law in this state unless he complies with the requirements of the supreme court with regard thereto". MCLA 600.901; MSA 27A.901.

These requirements include educational, character and fitness, and examination components. MCLA 600.934, 600.937, 600.940; MSA 27A.934, 27A.937, 27A.940. Additionally, licensed attorneys are subject to discipline, including loss of license, for unprofessional conduct. MCLA 600.904; MSA 27A.904.

While all those not licensed to practice law are prohibited from doing so, the Legislature has not seen fit to define what constitutes the "practice of law", and, accordingly, "[t]he formidable task of constructing a definition of the practice of law has largely been left to the judiciary". Comment, *Lay*

Divorce Firms and the Unauthorized Practice of Law, 6 J L Reform 423, 426 (1973).

We are still of the mind that any attempt to formulate a lasting, all-encompassing definition of "practice of law" is doomed to failure "for the reason that under our system of jurisprudence such practice must necessarily change with the everchanging business and social order". *Grand Rapids Bar Association v Denkema*, 290 Mich 56, 64; 287 NW 377 (1939).

No essential definition of the practice of law has been articulated and the descriptive definitions which have been agreed upon from time to time have only permitted disposition of specific questions. These definitions have been relatively helpful in counseling conduct but have provided no sure guide for the public's protection.

A broad definition of the "practice of law" embraces virtually all commercial areas of human endeavor. This, of course, will not do.

> "It cannot be urged, with reason, that a lawyer must preside over every transaction where written legal forms must be selected and used by an agent for one of the parties. Such a restriction would so paralyze business activities that very few transactions could be expeditiously consummated." *State ex rel Indiana State Bar Association v Indiana Real Estate Association*, 244 Ind 214, 221-222; 191 NE2d 711 (1963).

The result of this inability to fashion a definition of "practice of law" to fit every situation "has been a line of decisions consistent only in their inconsistency as the courts have sought to accommodate the need for public protection through restricting the practice of law to members of the bar with the economic and practical realities of modern society". Comment, *Unauthorized Practice of Law—The*

Full Service Bank That Was: Bank Cashier Enjoined From Preparing Real Estate Mortgages to Secure Bank Loans, 61 Ky L J 300, 311 (1972).

"Laymen are excluded from law practice, whatever law practice may be, solely to protect the public." *Oregon State Bar v Security Escrows, Inc*, 233 Or 80, 87; 377 P2d 334, 338 (1962).

It is this purpose of public protection which must dictate the construction we put on the term "unauthorized practice of law".

There is no doubt that this unauthorized practice statute affects constitutional rights. It certainly affects the first amendment rights of defendant; it affects the right to privacy inherent in the marital relationship. *Roe v Wade*, 410 US 113, 152–153; 93 S Ct 705; 35 L Ed 2d 147 (1973); *Boddie v Connecticut*, 401 US 371; 91 S Ct 780; 28 L Ed 2d 113 (1971). It affects the litigants' right to self-representation. Const 1963, art 1, § 13.

Of course, the fact that the statute affects constitutional rights does not make it invalid. However, where a statute does impinge on constitutional rights, it must be "narrowly drawn to express only the legitimate state interests at stake". *Roe v Wade*, 410 US 113, 155; 93 S Ct 705; 35 L Ed 2d 147 (1973).

"The power of the states to control the practice of law cannot be exercised so as to abrogate federally protected rights." *Johnson v Avery*, 393 US 483, 490, fn 11; 89 S Ct 747; 21 L Ed 2d 718 (1969).

"[I]n regulating the practice of law a state cannot ignore the rights of individuals secured by the constitution." *Brotherhood of Railroad Trainmen v Virginia ex rel Virginia State Bar*, 377 US 1, 6; 84 S Ct 1113; 12 L Ed 2d 89 (1964). With these principles in mind, we must consider the unautho-

rized practice statute in light of the divorce laws of Michigan and defendant's activities.

'Effective January 1, 1972, this state adopted a no-fault divorce law. MCLA 552.6; MSA 25.86. We agree with one suggestion that this revision in the divorce law was made in the belief that "when the marriage relationship has terminated, granting of the divorce should flow as an inalienable legal right". Honigman, *What "No-Fault" Means to Divorce,* 51 Mich St B J 16, 17 (1972). Because divorce procedures in Michigan are now limited to pleading on statutory grounds and a response either admitting or denying the assertions, divorce procedures have been simplified considerably. Downs, *Family Law, 1972 Ann Survey of Michigan Law,* 19 Wayne Law Rev 479, 498 (1973). The question becomes whether the apparent relative ease with which a divorce can be obtained should enable persons untrained in the law to purport to provide individualized counsel and professional guidance to one seeking a divorce.

There are no Michigan cases which have addressed this issue. However, we are mindful of the opinion of jurisdictions which have considered questions similar to those now presented which have held such practices to be the unauthorized practice of law. In *The Florida Bar v Stupica,* 300 So 2d 683 (Fla, 1974), the mere furnishing of "divorce kits" to the general public was held to constitute the unauthorized practice of law. Contained in these kits were forms which included petition for dissolution, answer, summons, sworn statement of constructive service, default motions, joint stipulations for motion for final hearing, orders setting final hearing, and final judgment of dissolution of marriage. Accompanying these forms were several pages of explanatory data concerning

the forms as well as specific information and advice regarding the use and application of the forms so as to comply with the laws governing the dissolution of marriage. This information was viewed as providing direct legal advice without benefit of legal training and interpretive statutory annotations which would minimize the possibility that the interests of the person seeking assistance on divorce matters were not properly represented. See, also, *The Florida Bar v American Legal & Business Forms, Inc*, 274 So 2d 225 (Fla, 1973).

Concern for the quality of legal representation available to persons seeking a divorce was also expressed in *Oregon State Bar v Gilchrist*, 272 Or 552, 563; 538 P2d 913 (1975). The Court did not consider the advertisement and sale of do-it-yourself divorce kits containing the necessary forms together with an explanatory manual as constituting the unauthorized practice of law. However, the Court specifically distinguished this course of conduct from personal contact between defendants and their "customers" in the nature of "consultation, explanation, recommendation or advice or other assistance in selecting particular forms, in filling out any part of the form, or suggesting or advising how the forms should be used in solving the particular customer's marital problems". The latter was enjoined because the relationship which developed between the parties was tantamount to that of attorney and client.

We also believe this to be a significant distinction. The advertisement and distribution to the general public of forms and documents utilized to obtain a divorce together with any related textual instructions does not constitute the practice of law. There can be no serious challenge raised to this or any enterprise which is otherwise in compliance

with those regulations applicable to products placed in the stream of commerce. Were defendant to limit her activity to providing forms and instructions regarding divorce, her undertaking would be analogous to that set forth in *New York County Lawyers Ass'n v Dacey*, 21 NY2d 694; 234 NE2d 459 (1967), a case involving the publication and distribution of the book, *How to Avoid Probate*. The Court adopted the dissenting opinion below which stated:

"There [was] no personal contact or relationship with a particular individual. Nor does there exist that relation of confidence and trust so necessary to the status of attorney and client. This is the essential of legal practice—the representation and the advising of a particular person in a particular situation.

• • •

"At most the book assumes to offer general advice on common problems, and does not purport to give personal advice on a specific problem peculiar to a designated or readily identified person." 28 App Div 2d 161, 171, 174; 283 NYS2d 984 (1967).

But defendant goes well beyond merely making available those materials necessary to effect a legal divorce. She advertises "professional guidance" to her "clients".[1] A personal conference is arranged between defendant and her client to discuss the divorce. The complaint and summons are prepared by defendant. Once completed, all documents incident to the divorce proceedings are prepared for the client's or the court's signature. Defendant occasionally files the completed forms in court. And, in most cases, she personally advises her clients as to the proper testimony to provide.

[1] Though defendant objects to the use of the word "client", the advertisements specifically refer to those persons dealing with her as clients

The interests involved in divorce matters are considerable. Those persons offering advice on legal matters regarding child custody, contract and property rights, inheritance, separate property, and support, to name the more significant, must possess a measure of competency and judgment to insure proper representation. Because defendant offers counsel in the form of professional guidance to persons seeking to extricate themselves from a legal relationship, the party represented, as well as the public in general, has a right to be assured that these interests are properly represented by members of the bar. To the extent that defendant provides personal advice peculiar to the dissolution of a specific marriage, she is engaged in the "unauthorized practice of law" contrary to MCLA 600.916; MSA 27A.916.

We affirm the finding of civil contempt of April 23, 1973 and reverse the contempt convictions of December 19, 1973 and October 15, 1974. The injunctive order entered January 5, 1973 by the trial court is affirmed.

No costs, a public question.

COLEMAN, FITZGERALD, and LINDEMER, JJ., concurred.

WILLIAMS, J. *(to concur).* While I concur with the Court and agree with the necessity of skilled professional assistance in legal matters, neither the Court nor the Chief Justice has directly adverted to the root problem behind this case.

Virginia Cramer is only a symptom of the problem created by the failure of the legal profession to see that sufficient skilled legal services are reasonably available and within the means of all people. A vacuum has been allowed to exist. If

Virginia Cramer had not sought to fill it, some one like her would have done so.

"Recently when the Office of Economic Opportunity made legal services obtainable by many who up until then had not had legal services available to them, divorce work was found to be one of the areas of greatest need. The Legal Aid and Defender Association of Detroit, for example, opens its doors to divorces three times a year for about a day or two, and obtains enough divorce cases in that period of time to supply a caseload of 180–200 per attorney. Before that system was introduced, they used to get 18 new cases a day.

It is said that the very rich and the very poor have access to lawyers, but it is generally admitted that middle-income groups do not have adequate legal services. The American Bar Association and the Michigan State Bar have displayed commendable concern about this problem in the last few years. For example, the Michigan State Bar has given good leadership in developing prepaid legal service programs. However, it cannot yet be said that the legal profession has made more than an acceptable beginning in coming to grips with the legal problems of middle-income groups or in adequately serving the needs of the poor.

With the need for counseling and advice so overwhelming, lawyers are going to have to make greater efforts and exercise more ingenuity in satisfying need, because, for every Virginia Cramer that is brought to book a number more will rise in her place. The courts must continue to use traditional means to protect the public against unprofessional practice of the law. But the fact of the matter is that neither court orders nor prison cells will adequately solve the root problem in this case.

The answer to the problem is boldly proclaimed to all who can read in the Michigan State Bar building in Lansing. There emblazoned is the following:

"No organization of lawyers can long survive which has not for its primary object the protection of the public."

In this matter, protection of the public will not be achieved by more of the same, but prompt, positive, vigorous and imaginative action to make skilled professional services available to those who have reasonable need of them. *Verbum sat sapienti.*

LEVIN, J., concurred, except for the first paragraph, with WILLIAMS, J.

KAVANAGH, C. J. *(concurring in part and dissenting in part).* I concur in the per curiam opinion to the extent that it vacates defendant's convictions for criminal contempt and affirms the judgment of civil contempt. I agree also that defendant is not engaged in the unauthorized practice of law when selling legal forms or "divorce kits". I do not agree with the per curiam opinion, however, to the extent that it prohibits defendant from assisting individuals in the preparation of these forms or rendering other advice peculiar to the dissolution of a specific marriage. That prohibition is unsound and counterproductive. Defendant's customers will go to court less prepared than they are at present.

There are sound policy reasons for allowing defendant to continue her business of assisting those who desire her services in helping them obtain a non-contested, no-fault divorce.

I share the conviction that one of the reasons for

Michigan's enactment of the no-fault divorce statute was the recognition that

"the whole divorce proceeding was not only slow, humiliating and costly, but often ignored the basic issue of whether the marriage had broken down to the point where all hope of reconciliation was gone. In addition to noticing these defects in the old law which could be ameliorated by a no-fault divorce law, proponents of the reform stressed the right of parties to a marriage beyond repair to obtain their freedom as quickly and efficiently as possible." Lee, *Divorce Law Reform In Michigan*, 5 J L Reform 409, 416 (1972).

There is no doubt that the cost of an attorney prevents some people from obtaining a divorce. I am convinced that many people who seek divorces cannot afford, or think they cannot afford, the services of a lawyer. They separate from their spouses without obtaining a divorce and later enter into relationships which cannot be solemnized, frequently with serious economic and other consequences.

It is no answer to this problem to point to the existence of publicly funded legal services programs for those unable to afford a lawyer. Those programs are simply unable to handle the numbers of persons seeking divorces in any reasonable period of time. There are many also who would not qualify for the services of these legal aid agencies, but who still are unable to afford the services of an attorney to obtain a divorce.

"Legal aid services are tremendously overburdened and must turn away thousands of divorce clients each year to meet their professional obligations to the clients they do represent. * * * Furthermore, the existing legal services are reluctant to take divorce cases, reasoning that divorce is not a right but a privilege, and that

other legal problems are more pressing." Note, *Justice For The Poor? A Look At The Right To Counsel For Indigents In Divorce Litigation*, 22 NYLS L Rev 87, 97 (1976).

As the United States Supreme Court observed in *Boddie v Connecticut*, 401 US 371, 376–377; 91 S Ct 780; 28 L Ed 2d 113 (1971):

"[W]e know of no instance where two consenting adults may divorce and mutually liberate themselves from the constraints of legal obligations that go with marriage, and more fundamentally the prohibition against remarriage, without invoking the State's judicial machinery.

• • •

"Resort to judicial process by these plaintiffs is no more voluntary in a realistic sense than that of a defendant called upon to defend his interests in court. For both groups this process is not only the paramount dispute-settlement technique, but, in fact, the only available one."

In many instances, if the choice is between being required to hire an attorney to obtain a divorce in the only possible forum—a court—and not obtaining the divorce at all, the "choice" is illusory. The information provided by defendant enables those persons another choice—that of assistance in processing their own divorces. It is apparent from the number of people utilizing her services that such a need exists.

Persons seeking a divorce who can afford a lawyer will continue to hire one. Lawyers perform important services beyond merely filling out and filing the necessary papers. Lawyers experienced in divorce work develop an expertise regarding property settlements, child custody and alimony

awards; that expertise will continue to be purchased by those who can afford it.

In *Johnson v Avery*, 393 US 483; 89 S Ct 747; 21 L Ed 2d 718 (1969), the United States Supreme Court struck down a regulation forbidding inmates from assisting other inmates in the preparation of writs or other legal matters. The observations of Mr. Justice Douglas, concurring, are apropos of the case at bar:

"There are not enough lawyers to manage or supervise all of these affairs; and much of the basic work done requires no special legal talent. Yet there is a closed-shop philosophy in the legal profession that cuts down drastically active roles for laymen. * * *

"That traditional closed-shop attitude is utterly out of place in the modern world where claims pile high and much of the work of tracing and pursuing them requires the patience and wisdom of a layman rather than the legal skills of a member of the bar.

* * *

"Laymen—in and out of prison—should be allowed to act as 'next friend' to any person in the preparation of any paper or document or claim, so long as he does not hold himself out as practicing law or as being a member of the Bar." 393 US at 491–492, 498.

I would vacate the injunction.

LEVIN, J., concurred with KAVANAGH, C. J.

LEVIN, J. Four categories of service are provided by Virginia Cramer[1] to her clients:[2]

[1] When these proceedings were commenced, Cramer was in partnership with other persons. The partnership and the partners were defendants. Cramer alone has persevered with this litigation. In this opinion the activities of the partnership and partners are referred to as activities of "Cramer".

[2] While it is customary to refer to those who engage the services of lawyers as "clients", the term has a wider use.

A. Furnishing legal forms;

B. Preparing the forms, and assisting in filing and serving them;

C. Exercising a judgment whether, because there are issues of child custody, child support, alimony or property settlement, the client should be counseled to seek the assistance of a lawyer; and

D. Counseling the client regarding self-representation in court—what to expect and how to present the necessary proofs.

We all agree that furnishing legal forms ("divorce kits") does not constitute the practice of law. We disagree regarding the other services provided by Cramer.

The Court affirms the permanent injunction, entered by the circuit judge, barring Cramer from providing advice, counseling and services to persons seeking to obtain a divorce.

I have signed the Chief Justice's opinion which expresses our view that providing these services should not be enjoined.

I write separately to emphasize my views that

—preparation and filing of standardized papers to obtain an uncontested no-fault divorce where there are no issues of child custody, child support, alimony or property settlement does not require the professional judgment of a lawyer, and therefore does not constitute the practice of law;[2]

—while it is unclear where the line should be drawn between those cases where a lay advocate may readily assist persons who wish to exercise their constitutional right of self-representation and cases where the client should be encouraged to

[2] While Cramer limited her activities as indicated, I do not mean to be understood as qualifying my full concurrence in the Chief Justice's opinion.

obtain the services of a lawyer, it has not been demonstrated that once the relevant criteria are determined and the standard established, case-by-case application requires oversight by a member of the legal profession;

—the organized bar, which has not made available the minimal counseling which would enable a person to exercise his right of self-representation, cannot be heard to say that this service which it does not provide is the practice of law; and

—the Legislature should address the issue of securing to the people their constitutional right of self-representation as part of the larger problem of providing legal services for persons of moderate circumstances.

I

A

Many of the forms provided by Cramer are widely available. The complaint, default, affidavit of default and default judgment of divorce were modeled on the forms printed in Honigman & Hawkins, Michigan Court Rules Annotated, Forms. Other forms provided are available from the clerk of the court or the friend of the court. The entire kit was prepared under the supervision of lawyers.

Legal forms, for a variety of purposes, have for many years been sold or made available without charge by stationers, legal newspapers, abstract and title companies, real estate boards, banks, and insurance companies.

There is far less risk of harm to the public resulting from misuse of a "divorce kit" than from misuse of form deeds of conveyance, land con-

tracts, business or residential property leases, *inter vivos* trusts or wills.

If a complaint for divorce is improperly filed, a judge has an opportunity to notice the defect and it can either be remedied or a new complaint filed. When an error is discovered in other legal forms, indiscriminately available to the public, it is often too late to correct the mistake.

B

Cramer uses an initial interview form in eliciting the information required to prepare an adequate and factually accurate complaint.[4] She selects the appropriate forms and they are prepared for the client's signature.

At the second interview, a week later, the client signs and verifies the complaint, and is told how to file and serve the papers, and is given an opportunity to have these services performed by Cramer for a nominal fee.[5]

Cramer monitors the court dockets to determine when the papers are filed and, following the expiration of 20 days after service, advises the client to appear for a third interview to sign an affidavit of default.

The task of defining the "practice of law" has been confided to the Court.[6] "[I]t is left to the

[4] Names and addresses of parties; duration of residence in the county and Michigan; date, place and solemnizer of marriage; prior name of wife; number, names and birthdates of children; date of separation and reason; list of any jointly held property.

[5] The fee was $10, most of which was used to pay process servers to perform the tasks of filing and serving.

[6] "It is unlawful for any person to practice law, or to engage in the law business, or in any manner whatsoever to lead others to believe that he is authorized to practice law or to engage in the law business, or in any manner whatsoever to represent or designate himself as an attorney and counselor, attorney at law, or lawyer, unless the person so doing is regularly licensed and authorized to practice law in this state." MCLA 600.916; MSA 27A.916.

courts of this State as well as those of most other States, to define the 'practice of law.'" *Ingham County Bar Association v Walter Neller Co*, 342 Mich 214, 221; 69 NW2d 713 (1955).

It has been authoritatively stated that "[f]unctionally, the practice of law relates to the rendition of services for others that call for the professional judgment of a lawyer. The essence of the professional judgment of the lawyer is his educated ability to relate the general body and philosophy of law to a specific legal problem of a client".[7]

Under the former practice, when it was necessary to state grounds for divorce, professional judgment was generally required in the preparation of a complaint for divorce. Under no fault there is only one ground, "breakdown of the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved". The statute provides that the complaint "shall make no other explanation of the grounds for divorce than by the use of the statutory language".[8]

Acts which once constituted the practice of law now no longer require professional skill or judgment. The "reason" it is "extremely difficult to formulate an accurate definition of the 'practice of law' which might endure" is "that under our system of jurisprudence such practice must necessarily change with the everchanging business and social order". *Grand Rapids Bar Association v Denkema*, 290 Mich 56, 64; 287 NW 377 (1939).

---

[7] ABA Special Committee on Evaluation of Ethical Standards, Code of Professional Responsibility (1969), Ethical Consideration 3-5 accompanying Disciplinary Rule 3-101 (Aiding Unauthorized Practice of Law).

[8] MCLA 552.6; MSA 25.86.

The preface to the revised edition of The Attorney's Desk Book[9] states:

"An attorney can record a deed on behalf of a client, but so can non-legal personnel. The same non-legal personnel can secure from a client routine facts with the assistance of an interview form, thus freeing the attorney for necessary legal work which must be done by him alone and, in addition, with lesser financial burden to the client for services rendered at no financial loss to the attorney."

It is stultifying to suggest that the routine activities of conducting interviews, preparing and filing the stylized complaint and associated documents for a no-fault divorce require the professional judgment of a lawyer, "his educated ability to relate the general body and philosophy of law" to these tasks.

Interviewing, preparing, filing and monitoring are performed in many law offices by "non-legal personnel" without actual supervision by a lawyer.[10] "[W]e cannot shut our eyes to matters of public notoriety and general cognizance. When we take our seats on the bench we are not struck with blindness and forbidden to know as judges what we see as men." *Ho Ah Kow v Nunan,* 12 F Cas 252, 255 (No 6546) (CCD Cal, 1879).

---

[9] Issued under the auspices of the Professional Economics Committee and the Board of Commissioners of the State Bar of Michigan (Ann Arbor, Mich, Institute of Continuing Legal Education, rev ed 1970).

[10] In *Johnson v Avery,* 393 US 483, 490, fn 11; 89 S Ct 747; 21 L Ed 2d 718 (1969), the United States Supreme Court observed that the preparation of petitions for post-conviction relief "though historically and traditionally one which may benefit from the services of a trained and dedicated lawyer, is a function often, perhaps generally, performed by laymen. Title 28 USC § 2242 apparently contemplates that in many situations petitions for federal habeas corpus relief will be prepared by laymen".

C

The initial judgment whether the services of a lawyer may be required is generally made by laymen. Implicit in the limitations on solicitation by lawyers,[11] is that a layman, the client, makes a judgment—sometimes after consulting another layman—whether the services of a lawyer may or may *not* be required, before a lawyer has an opportunity to make a judgment.

In the borderline areas between the professions, it is laymen—accountants, real estate brokers, insurance agents, trust officers—who make a judgment, sometimes under agreements worked out by the professional associations,[12] of where the practice of one discipline ends and the practice of law begins and of whether to call in a lawyer.

It is illogical and impractical to require potential clients to eschew lay assistance and to obtain the advice of a lawyer when a question arises whether a lawyer's advice should be sought.

It does not appear that any of Cramer's clients have been misled into believing that she is a lawyer or is providing the services which a lawyer might provide.

The interview form contains, immediately above the client's signature, a warning[13] that Cramer is not holding herself out as "qualified to render

[11] DR 2-103, 2-104.

[12] *See Realtor-Lawyer Principles Adopted*, 39 Unauthorized Practice News 177 (1975); *Guiding Principles Respecting Division of Responsibility Between Lawyers and Banks in Planning and Settling Estates*, 39 Unauthorized Practice News 225 (1975); *District of Columbia Bar and 27 Title Insurance Companies Adopt Statement of Principles*, 39 Unauthorized Practice News 223 (1975).

[13] "*IMPORTANT*: This plan is not intended as holding ourselves out to the public as qualified to render advice and service to persons who are interested in obtaining a divorce in the courts of Michigan. If you need expert counseling, legal advice and service, you should consult a licensed lawyer or an attorney at law.

"*FOR EXAMPLE*:

advice and service" to persons interested in obtaining a divorce and that if "expert counseling, legal advice and service" is needed an attorney at law should be consulted, as where there are issues of child custody, child support, alimony or property settlement.

There is no evidence that Cramer counseled her clients on matters requiring the specialized training and professional judgment of a lawyer. The form judgment of divorce which she used contained a standard provision that no alimony is to be paid. Clients desiring alimony were directed to engage the services of a lawyer.[14] Similarly, if a dispute arose between a client and spouse concerning the disposition of property which they could not resolve themselves, no further assistance would be provided and the client was referred to a lawyer.

In sum, it appears that the papers were prepared on the assumption that there are no unresolved disputes. Where there was a dispute, further services were not provided and the clients were told to obtain the services of a lawyer. Referrals were made to individual lawyers and to the local bar association's lawyer referral service. It was estimated that over 600 cases had been referred to lawyers.

The line drawn by Cramer is clear cut. It does not depend upon analysis of varying facts on a

"Child custody
"Visitation
"Child support
"Alimony
"Separate maintenance.
"Real & personal property rights.
"Pension funds and benefits.
"Social Security benefits.
"Insurance coverage and benefits."

[14] In one case alimony was requested in error.

case-by-case basis. If there is an unresolved dispute she will not assist further. The standard she has developed functions much like the standards adopted to resolve borderline disputes between the legal profession and other professions.[15]

Perhaps the services of a lawyer should be required whenever there are minor children or property is to be divided. If the judicial judgment were that the line should be drawn more conservatively than Cramer has drawn it, the Court might more properly so hold, rather than proscribe such services altogether. There are a large number of young persons with limited resources who may wish, upon separation after a marriage of short duration, without children or accumulation of property, to avail themselves of Cramer's services. If no alimony is desired, it is a remote possibility that any professional judgment is required. "Of course, exceptional cases may arise from time to time where legal problems are involved in the presentation of [cases], but it is the ordinary [case] and not the exceptional one which now engages our attention. Anticipating the exceptional would hardly be practicable."[16]

The concern expressed that Cramer will not recognize potential problems which a lawyer might perceive appears, on this record, to be chimerical. One would expect that if any substantial evidence existed that substantive rights of Cramer clients had been lost because of her inability to perceive the need for and advise the employment of legal counsel the State Bar would have offered such

[15] *See* fn 12, *supra*, and accompanying text.

[16] *Goodman v Beall*, 130 Ohio St 427, 431; 200 NE 470, 472 (1936). The court declared that the common practice of laymen assisting an injured or deceased workman or his dependents in the submission of a workmen's compensation claim was not the practice of law but that an appeal after notice of disallowance of claim constituted the practice of law.

evidence. We should not uncritically indulge a hypothesis unsupported by record evidence where there is plentiful experience from which evidence could have been derived.

If the experience subsequent to the making of this record indicates a need for limitations to protect the public they could be imposed upon the requisite showing.

The desire of the State Bar to protect the public and the desire of persons to obtain services enabling them to exercise their right of self-representation can be harmonized. Denying services to persons of moderate circumstances to protect them against imaginary risks cannot be justified where lesser measures will achieve the objective.

D

Virginia Cramer is not selling a divorce kit, but an idea.

The right of a litigant to represent himself derives from the Constitution: "A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney." Const 1963, art 1, § 13. This provision is of long standing.[17]

Most lay persons wisely refrain from exercising this right in ordinary litigation; without the training and skill of a lawyer, few laymen will be able to represent themselves adequately.

If the constitutional right of self-representation

[17] *See* Const 1850, art 6, § 24; Const 1908, art 2, § 12.

The United States Supreme Court has held that the Sixth Amendment, as made applicable to the states by the Fourteenth Amendment, secures to a defendant in a state criminal case a right of self-representation. *Faretta v California*, 422 US 806; 95 S Ct 2525; 45 L Ed 2d 562 (1975). *See People v Anderson*, 398 Mich 361; 247 NW2d 857 (1976).

is to be meaningful, lay persons will generally require guidance and assistance.

Cramer, a week before the scheduled court date, conducts the fourth and final interview. The client is provided a form entitled "My Day in Court", intended to prepare him to give testimony in court. There are blanks for the necessary factual allegations, to be filled in by the client in his own handwriting. The *pro forma* statements—the litany of a *pro confesso* divorce—are set forth. The client receives a proposed judgment of divorce to be handed up to the judge. Additional information is also given regarding the location of the courtroom, courtroom etiquette and attire. This is the final meeting. Cramer does not appear with or represent clients in court. Clients are encouraged to call back if problems arise.

Educating persons in the exercise of their constitutional right of self-representation has not been part of the traditional business of the lawyer. Most lawyers have provided this service to no one.

While the faculties of the law schools are in the main composed of lawyers who at one time were admitted to practice in some jurisdiction, a lawyer may not practice in this state unless he is an active member of the State Bar. It is the apparent opinion of the majority of the faculty of one of this state's better-known law schools that teaching law does not constitute the practice of law—60% of the full-time faculty are not active members of the State Bar.[18]

The United States Supreme Court has observed that "[t]he colonists brought with them an appreciation of the virtues of self-reliance and a tradi-

[18] The figure is reduced to 55% non-membership if one counts all, including adjuncts, who are designated assistant professor, associate professor or professor of law.

tional distrust of lawyers. * * * This prejudice gained strength in the Colonies where 'distrust of lawyers became an institution' ". The Court noted that the constitutions of most states confer a right of self-representation. *Faretta v California*, 422 US 806, 826–827, 813; 95 S Ct 2525; 45 L Ed 2d 562 (1975).

It appears, therefore, that the right of self-representation derives in part from distrust of lawyers. It derogates from that right to bar persons who desire to exercise it from obtaining knowledge regarding the manner of exercise except from a lawyer.

Most lawyers have more rewarding work to perform than to make available to the public the service provided by Cramer: confining participation in a divorce case to preparation and offering to file the necessary papers, monitoring dockets and counseling the client regarding self-representation.[19]

---

[19] "Where there has been growing and unmet demand for particular legal services, other means of delivery have been devised in substantial response to the bar's failure to meet those needs through more efficient and less costly delivery systems. As noted by Johnstone and Hopson:

" 'It appears to be axiomatic in the United States that whenever a particular task or combination of tasks performed by lawyers grows to mass volume proportions and the mass demand promises to continue, laymen will eventually take over performance of these tasks unless deterred from doing so by unauthorized practice laws. In part this results from more efficient lay specialization and standardization and more aggressive lay advertising and solicitation. But in part, too, it results from lawyers' reluctance to counter lay competition by cutting fees or increasing quality.'

"Examples where this has taken place include such areas of legal practice as the review of the legal adequacy of mortgages being acquired by large institutional lenders and title insurance by the 'big plant' insurers. Pressures to reduce costs exerted by non-lawyer dominated work units providing legal services have resulted in insurance companies using non-lawyers (insurance adjusters) for most claims settlement work and government using non-lawyer bid and contract reviewers, social security and veteran's benefits claims adjusters, FHA field investigators, regulatory agency violation inventigators, etc." Brickman, *Expansion of the Lawyering Process Through a*

Some lawyers who might be willing to provide this service may fear disciplinary proceedings should they do so. Others, aware of the dim view that many judges take of self-representation, will stand aside. Some will be concerned that they may incur the opprobrium of lawyers who regard the rendering of such services as undermining the dignity of the profession. Whatever the reason, the service is not available from members of the organized bar.

The United States Supreme Court has held that "unless and until the State provides some reasonable alternative *[e.g.,* lawyers or law students[30]] to assist inmates in the preparation of petitions for post-conviction relief, it may not validly enforce a regulation such as that here in issue, barring inmates from furnishing such assistance to other prisoners". *Johnson v Avery,* 393 US 483, 490; 89 S Ct 747; 21 L Ed 2d 718 (1969).[31]

New Delivery System: The Emergence and State of Legal Paraprofessionalism, 71 Colum L Rev 1153, 1179–1180 (1971).

[30] "By contrast, in several states, the public defender system supplies trained attorneys, paid from public funds, who are available to consult with prisoners regarding their habeas corpus petitions. At least one State employs senior law students to interview and advise inmates in state prisons. Another State has a voluntary program whereby members of the local bar association make periodic visits to the prison to consult with prisoners concerning their cases. We express no judgment concerning these plans, but their existence indicates that techniques are available to provide alternatives if the State elects to prohibit mutual assistance among inmates." *Johnson v Avery, supra,* pp 489–490.

[31] *Johnson v Avery, supra,* was extended in *Procunier v Martinez,* 416 US 396, 420; 94 S Ct 1800; 40 L Ed 2d 224 (1974), where the Court again held invalid a state requirement barring non-lawyers from providing service where implementation of the restriction would deny access to the courts. The restriction set aside absolutely barred lawyers from using students and legal para-professionals to conduct attorney-client interviews in prisons. The Court held this constituted an unjustified restriction on the prisoner's right of access to the courts since it would "deter some lawyers from representing prisoners who could not afford to pay for their traveling time or that of licensed private investigators".

In *Sperry v Florida ex rel Florida Bar,* 373 US 379; 83 S Ct 1322; 10

At stake in *Johnson* was the fundamental right of a prisoner to have access to the courts for the purpose of presenting his claims for post-conviction relief. Here the right involved is that of persons of moderate circumstances to have access to the courts for the purpose of dissolving a marriage.

The United States Supreme Court has held that the state cannot require an indigent person to pay a filing fee or service of process costs as a precondition to obtaining legal dissolution of a marriage. The Court declared that marriage involves "interests of basic importance in our society" and that at stake was "the adjustment of a fundamental human relationship." The interest was characterized "a protected right". The Court concluded that "given the basic position of the marriage relationship in this society's hierarchy of values and the concomitant state monopolization of the means for legally dissolving this relationship, due process does prohibit a State from denying, solely because of inability to pay, access to its courts to individuals who seek judicial dissolution of their marriages". *Boddie v Connecticut*, 401 US 371, 374, 376, 383, 379; 91 S Ct 780; 28 L Ed 2d 113 (1971).

Justice WILLIAMS' opinion states the practical

L Ed 2d 428 (1963), the Court upheld the power of the United States Patent Office to admit lay practitioners although under state law the prosecution of a patent application for others constituted the practice of law. In *Keller v Wisconsin ex rel State Bar of Wisconsin*, 374 US 102; 83 S Ct 1686; 10 L Ed 2d 1026 (1963), the Court remanded for reconsideration in the light of *Sperry* a decision of the Wisconsin Supreme Court that a lay practitioner before the Interstate Commerce Commission could not appear before the Public Service Commission, although permitted by Wisconsin statutes and the administrative code. *State ex rel State Bar of Wisconsin v Keller*, 16 Wis 2d 377; 114 NW2d 796, 116 NW2d 141 (1962). On remand the Wisconsin court acknowledged that Keller could give in Wisconsin his opinion on ICC matters but held that he could not appear in a representative capacity before the state Public Service Commission. *State ex rel State Bar of Wisconsin v Keller*, 21 Wis 2d 100; 123 NW2d 905 (1963), *cert denied* 377 US 964; 84 S Ct 1643; 12 L Ed 2d 734 (1964).

unavailability of legal services for a large segment of the population. The choice for many persons who do not have $400 or more to hire a lawyer, is to forego, or be unduly delayed in obtaining, a divorce, although the only relationship extant between the couple is the one recognized by law. Paraphrasing *Johnson v Avery, supra,* as long as the state monopolizes the means of dissolving this relationship, and the profession, in the exercise of its monopoly, does not provide services to persons who would exercise their right of access to the courts through self-representation, this Court should not enforce a rule barring laymen from furnishing the assistance which lawyers do not provide.

II

Legislative consideration of the question would now be warranted.

The purpose of the no-fault divorce law is to provide a quick and efficient remedy.[22] For a poor person or one of moderate circumstances who cannot obtain legal representation, this legislation's promise has not been fulfilled.

The public interest may require supervision of the kind of service provided by Cramer lest the abuses feared by the State Bar become real.[23] Legislation providing for licensing and regulation of lay advocates would facilitate the rendering to

[22] Lee, *Divorce Law Reform in Michigan,* 5 J L Reform 409, 416 (1972).

[23] The rapid growth of lay advocacy as a means of providing legal service in situations or to persons not generally served by the profession is described in Brickman, *supra,* 71 Colum L Rev, pp 1189–1210. It appears that this was a prevalent means of representation in the early days of the republic. *Id,* p 1169.

See Robinson, *Appearances by Laymen in a Representative Capacity Before Administrative Bodies,* 5 Law and Contemporary Problems 89 (1938).

the public the necessary service and provide a means of securing protection against abuse.[34]

[34] I appreciate that state supreme courts have generally asserted that the power to determine what constitutes the practice of law inheres in the judiciary, as stated by the Supreme Court of Oklahoma, "without regard to whether the acts involved were 'forensic' or 'nonforensic' ". *R J Edwards, Inc v Hert*, 504 P2d 407, 415 (Okla, 1972). *People ex rel Chicago Bar Ass'n v Goodman*, 366 Ill 346; 8 NE2d 941; 111 ALR 1 (1937), *cert den* 302 US 728; 58 S Ct 49; 82 L Ed 562; *reh den* 302 US 777, 58 S Ct 138; 82 L Ed 601 (1937); *In re Unauthorized Practice of Law in Cuyahoga County*, 175 Ohio St 149; 23 Ohio Ops 2d 445; 192 NE2d 54; 2 ALR3d 712 (1963). *But see Eagle Indemnity Co v Industrial Accident Commission*, 217 Cal 244; 18 P2d 341 (1933), holding that it was within the prerogative of the Legislature to allow laymen to represent injured workers throughout a workmen's compensation proceeding.

These claims of judicial power are extravagant. The judiciary may assert but does not legitimately have the inherent, constitutionally implied power to bar non-lawyers from pursuing their vocations on a finding of impingement on work sometimes or traditionally done by lawyers. Occupational licensing of non-lawyers is a legislative prerogative; unless the Legislature were to authorize non-lawyers to appear in *court*, there is no intrusion on judicial power.

The "judicial power" (Const 1963, art 6, § 1) is vested in the "one court of justice" *(id)*; this Court has "general superintending control over all *courts*" (Const 1963, art 6, § 4) and the power by general rules to "establish, modify, amend and simplify the practice and procedures in all *courts* of this state". (Const 1963, art 6, § 5). (Emphasis added.)

The power conferred manifestly includes the power to decide who may practice in the courts; legislation concerning the licensing of persons to practice in the courts is subject ultimately to judicial control.

As long as the Legislature refrains from defining the term "practice law", as used in existing legislation, this Court can define it. The Legislature may, however, amend the statutes and, as Congress and some states have done, authorize lay advocates to represent clients before administrative tribunals.

The power conferred in Const 1963, art 6, § 28 to review administrative action which is "judicial or quasi-judicial" and affects private rights or licenses is not a source of additional judicial power to regulate practices and procedures in such tribunals. If it were, then the business of this Court would include not only overseeing the practices and procedures of the courts but establishing, by rule and administrative order, the administrative procedures and supervision of the countless township, city, county and state administrative agencies whose actions are subject to judicial review. Plainly that is beyond our authority and energy.

The Federal Administrative Procedures Act provides that a person compelled to appear before an agency is entitled to be represented and advised by counsel "or, if permitted by the agency, by other qualified representative". 5 USC 555(b). Some of the important Fed-

Some may view state regulation of lay advocacy as legitimizing and encouraging this development; others who favor the expansion of lay services as a means of making legal services available to the poor, may fear that the organized bar will co-opt the regulatory function.[35] Both concerns are justified.

---

eral agencies permit representation by qualified lay advocates. Immigration and Naturalization Service, 8 CFR 3.1(d)(3); Drug Enforcement Administration, Department of Justice, 21 CFR 1316.50; Federal Energy Administration, 10 CFR 205.3; Federal Power Commission, 18 CFR 1.4; Food and Drug Administration, 21 CFR 2.58, 2.59; National Labor Relations Board, 29 CFR 102.38. *See also* Social Security Administration, 20 CFR 416.1446; Equal Employment Opportunity Commission, 29 CFR 1601.6. The Tax Court of the United States (formerly denominated the Board of Tax Appeals and not an Article III court; see Wright, Federal Courts [2d ed], § 11, p 34) admits non-attorneys who pass an examination given by the court (US Tax Ct R 2).

The Department of Health, Education and Welfare permits welfare clients to be "represented by an authorized representative, such as legal counsel, relative, friend, or other spokesman or he may represent himself". 45 CFR 205.10(a)(3)(iii). In consequence, the regulations of the Michigan Department of Social Services are substantively identical. 1970–1971 AACS, R 400.903(1)(a), p 5643.

The rules of practice and procedure of a number of state agencies permit a person to appear either in person, "by duly authorized agent or by counsel". State Board of Physical Therapy Registration, 1966 AACS, R 338.1122, p 3673; State Board of Nursing, 1968 AACS, R 338.1241, p 4716; Electrical Administrative Board, 1969 AACS, R 338.1082, p 5142; State Board of Veterinary Examiners, 1958 AACS, R 287.1, p 932; Board for Marriage Counselors, 1968 AACS, R 338.1836, p 4726 ("by counsel or otherwise"); Michigan Employment Security Appeal Board, 1967 AACS, R 421.525, 421.532, pp 4358–4359.

[35] "[T]ypically, the lay advocate works for, or in, a nonlawyer-dominated institution, such as a prison, a labor union, or a community organization having only sporadic contact with the lawyer. Despite performing work which clearly constitutes the practice of law, and despite the absence of a lawyer's supervision, the lay advocate has gained a measure of statutory protection and societal acceptance not accorded the lay assistant. The growth of the administrative agency, for one, has supplied great impetus to the development of lay advocacy; concern for accessibility to decision-making processes, especially those adjudicating rights of individuals, prompted lawmakers to provide for lay representation before the administrative agency. States have adopted similar measures in recognition of the fact that access to lawyering is essential for groups requiring legal services which lawyers, due to their inefficient delivery system, cannot provide at a feasible price. These laws are themselves part of a process of ensuring

It would also be in order to consider again whether the workaday business of uncontested divorce should not be transferred from the court to, say, the friend of the court who in practice makes the bulk of the decisions, subject to judicial review and modification. What is now a judicial procedure would then become an administrative procedure with, as now, *de novo* judicial review by a circuit judge only in contested cases where a disagreement concerning the friend of the court's recommendation/decision cannot be resolved to the satisfaction of both parties. The major part of the work involved in processing divorce cases is now being conducted in this manner;[26] what is now

---

equal protection for widening segments of the population. For example, to provide a working man with both a claim against his employer for injuries sustained on the job and a specialized forum for adjudication of his claim is an exercise in futility unless he is also provided with the needed assistance (advocacy) to invoke the claim process. * * *

"In summary, both the legal profession in the case of the legal specialist, and society, in the case of the lay advocate, have made a judgment that in some instances the lay practice of law is desirable. Much of the contemporary discussion of the lay practice of law is reflected in an oral debate between representatives of the A.B.A. (the private bar) and O.E.O. Legal Services (the public bar). Symbolizing the dialogue are references to the 'public sector versus the private sector.' Simply put, the private sector, or organized bar, is interested in the lay assistant as a means of increasing the efficiency of legal practice methods and thereby, the income of lawyers. The public sector view focuses on the lack of access of the poor (and even of the middle-class) to legal services and is concerned mainly with delivering those services—a concern for the development of lay advocates which is of secondary importance to the private sector. The dialogue is often heated because the private sector talk of certification of para-legal personnel is perceived by public sector adherents as a means of controlling the development of lay advocates, particularly free-standing lay advocates operating without the supervision or control of an attorney. On the other hand, public sector proponents speak of expanding the legal services delivery mechanism without much regard for private sector-imposed strictures, such as prohibitions against the unauthorized practice of law." Brickman, *supra*, 71 Colum L Rev, pp 1187-1188.

See, also, Statsky, *Paralegal Advocacy Before Administrative Agencies: A Training Format*, 4 Toledo L Rev 439 (1973).

[26] *See* rules of circuit courts—Wayne County, Rule 10 (Domestic

de facto would become *de jure* and be extended to the *pro confesso* and all uncontested phases of divorce proceedings.

The *pro confesso* divorce is a misuse of limited judicial time and an embarrassment to the judicial process. The imposition felt by the judiciary is especially galling when untrained persons seeking to represent themselves come into court without adequate preparation.

Jailing Cramer from time to time will not relieve the circuit courts of the obligation imposed by present law to allocate time to perfunctory business nor will it provide the public with the service that the success of her enterprise demonstrates is needed.[77]

Relations Actions), reprinted in Michigan Court Rules, 1976 (West Pub Co), which but adumbrates the central role of the friend of the court in the decisional process.

[77] "The effect of court-related expenses, minimum fee schedules, and prohibitions against advertising, solicitation, specialization, unrestricted group legal services and the unauthorized practice of law, is to bar the legally poor from the formal processes of adjudication and rulemaking in our courts and administrative agencies. These bastions of the legal profession's monopoly over the practice of law have been shown to be constitutionally infirm. Unless a new legal services delivery system, which lacks minimum fees and includes advertising, lay performance of simple legal tasks and the variety of efficiency-increasing techniques, is developed by the bar, the price tag on justice will continue to be unconscionable. Even though the equal protection and due process clauses have failed to provide a basis for successfully challenging impediments to access to the courts and to lawyering services, the first amendment may prove to be the functional equivalent of a fourteenth amendment guarantee. The bar's practices which prevent segments of our population from participating in the claim process are in jeopardy and ought to so remain until the high ideals espoused by Henry VII's England become a reality in this nation and 'every pouer persone * * * shall have * * * [access to courts] and also lerned Councell and attorneyes.' " Brickman, *Of Arterial Passageways Through the Legal Process: The Right of Universal Access to Courts and Lawyering Services*, 48 NYU L Rev 595, 668 (1973).

VOLUME II

NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

VIRGINIA CRAMER,

Petitioner, Plaintiff and Appellant

VS

STATE BAR OF MICHIGAN;
JOHN D. O'HAIR;
WILLIAM LEO CAHALAN;
RICHARD D. KUHN;
H. ROLLIN ALLEN, and All
Members of the State Bar
of Michigan similarly
situated,

Respondents, Defendants and Appellees

PETITION FOR A WRIT OF CERTIORARI
TO THE COURT OF APPEALS
SIXTH CIRCUIT - (No. 82-1855)
AND
DISTRICT COURT, ED MICHIGAN
SOUTHERN DIVISION - (No. 81-73926)
AND

REQUEST FOR JURY TRIAL, MONETARY DAMAGES,
INJUNCTIVE, AND DECLARATORY RELIEF

Virginia Cramer
Pro se Petitioner
27314 Clairview
Dearborn Heights,
Michigan 48127
(313) 278-7286

February 1984

VOLUME II

TABLE OF CONTENTS

	page
QUESTIONS PRESENTED FOR REVIEW	1-20
LIST OF RESPONDENTS, DEFENDANTS, APPELLEES	20-21
OPINIONS BELOW	23
JURISDICTION	25
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	26
STATEMENT	28
REASONS FOR GRANTING THE PETITION	46
CONCLUSION	62

VOLUME II

EXHIBIT A	Injunctive Order 1/5/73	66
EXHIBIT AA	Remittitur of Discontinuance 1/20/77	70
EXHIBIT AAA	Docket Entries, State Case No. 72-218-571-CZ	72
EXHIBIT AA-1	Ex Parte Motion Filed 2/17/81	76
EXHIBIT AA-2	Ex Parte Order Filed 2/17/81	78
EXHIBIT AA-3	Ex Parte Motion Filed 3/13/81	80
EXHIBIT AA-4	Ex Parte Order 3/13/81	82
EXHIBIT AA-5	Ex parte Order 3/13/81 True Copy	84

		page
EXHIBIT AA-6	Warrant 4/29/81	86
EXHIBIT AA-7	Order for Bond 6/5/81	88
EXHIBIT B-1	Special and Limited Appearance in pro per Filed 7/13/81 - Notice, Motion to Quash, Brief	89
EXHIBIT B	Letter 2/24/76 to Judge Kuhn and others	99
EXHIBIT C	Letter 10/5/81 by H. Rollin Allen	103
EXHIBIT D	Proposed Judgment, Not Signed	104
EXHIBIT E	Affidavit of W.Neville Filed 11/13/81 No. 81-73926	107
EXHIBIT B-2	Docket Entries Seaholm v Seaholm Horn v Horn Judge Kuhn	 111 112
EXHIBIT B-3	Ex Parte Order 4/4/75	114
EXHIBIT B-4	Return No filing date	116
EXHIBIT B-5	Order for Bench Warrant issued 4/9/75	117
EXHIBIT B-6	Order for Cancellation of Bench Warrant Filed 5/19/81	119
EXHIBIT B-7	Ex Parte Order Filed 5/9/75	120
EXHIBIT B-8	Return on Service If Not Found 5/16/75	122
EXHIBIT B-9	Order for Substituted Service - filed 6/3/75	123

		page
EXHIBIT B-10	Order for Bench Warrant no filing date	125
EXHIBIT B-11	Order for Cancellation of Bench Warrant Issued 11/23/77 Filed 6/19/81	127
EXHIBIT BB	Letter to R. Hadley 3/13/81 from H. Rollin Allen	128
VOLUME III		
TRANSCRIPT	Proceedings 1/25/82 U. S. District Court No. 81-73926	129 - 190

EXHIBIT A - attached to and referred to in Petitioner's "Complaint" - See, Petitioner's Appendix.

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

THE STATE BAR OF MICHIGAN
A Public Body Corporate,

Plaintiff,

-vs-

HAROLD GRAHAM, MICHAEL GORDON, VIRGINIA CRAMER, Individually and d/b/a Gordon-Graham & Cramer Associates,

Defendants.

Civil Action No. 72-218-571-CZ

ISSUED Jan. 5, 1973

JUDGMENT FOR PLAINTIFF AND INJUNCTIVE ORDER

At a session of said Court held in the City-County Building, Detroit, Michigan on JANUARY 5, 1973

PRESENT: HONORABLE JOHN D. O'HAIR
Circuit Court Judge

This matter having come on to be heard upon the plaintiff's complaint for an Order to Show Cause against the defendants requiring them to Show Cause why they should not be punished for their contemptuous conduct of

practicing law illegally and for temporary restraining Order and permanent injunction restraining and enjoining them from practicing law, the defendants having filed answers to the complaint and the Court having heard the testimony and considered the evidence presented in open Court, the Court having heard the arguments of counsel and considered their respective briefs, and the Court being fully advised in the premises:

NOW THEREFORE,

THE COURT DOES ADJUDGE that there are no genuine issues of fact for adjudication in these proceedings and final judgment in this cause be and the same is hereby entered, as follows:

IT IS HEREBY ADJUDGED that said defendants, individually and d/b/a Gordon-Graham & Cramer Associates be and they are hereby permanently restrained and enjoined from the unauthorized practice of law and more specifically they are hereby permanently enjoined from:

(1) Holding themselves out to the public as qualified to render advice and service to

persons interested in obtaining a divorce in the courts of Michigan;

(2) Rendering counsel and service to persons seeking to dissolve a marital relationship by obtaining a judgment of divorce in the courts of the State of Michigan; and,

(3) Furnishing or offering to furnish kits, forms or documents with assistance in their completion or execution, to persons seeking to dissolve a marital relationship by obtaining a judgment of divorce in the courts of the State of Michigan.

IT IS FURTHER ADJUDGED that said individual defendants shall immediately notify, in writing, all customers, patrons or clients of said individual defendants and of Gordon-Graham & Cramer Associates, whose divorce cases are still being processed, that further action by said defendants has been permanently enjoined by the Wayne County Circuit Court;

IT IS FURTHER ADJUDGED that said defendants, Harold Graham, Michael Gordon and Virginia Cramer individually and d/b/a Gordon-Graham & Cramer Associates shall forthwith

refund to the aforesaid customers, patrons or clients, monies heretofore paid to individual defendants and to Gordon-Graham & Cramer Associates by their customers, patrons or clients;

IT IS FURTHER ADJUDGED that the actions of said defendants, Harold Graham, Michael Gordon and Virginia Cramer individually and d/b/a Gordon-Graham & Cramer Associates constitute the unauthorized practice of law in violation of the provisions of MCLA 600.916 and said defendants are hereby adjudged to be guilty of contempt of the Wayne County Circuit Court.

IT IS FURTHER ADJUDGED that the Court expressly reserves jurisdiction to perform all acts leading towards or necessary for the enforcement of this Judgment and Injunctive Order and that the Court withholds imposition of penalties for contempt of Court as found herein, unless necessary to obtain defendants' immediate, full and good faith compliance with the provisions of this judgment.

Entered 1/5/73 /s/ JOHN D. O'HAIR
Circuit Court Judge

EXHIBIT AA

SESSION OF THE SUPREME COURT OF THE STATE OF MICHIGAN, Held at the Supreme Court Room, in the City of Lansing, on the 30th day of December in the year of our Lord one thousand nine hundred and seventy-six.

THE STATE BAR OF MICHIGAN,

Plaintiff-appellee,

v 56413

VIRGINIA CRAMER,
Defendant-Appellant.

Present the Honorable THOMAS GILES KAVANAGH, Chief Justice
G. MENNEN WILLIAMS
CHARLES L. LEVIN
MARY S. COLEMAN
JOHN W. FITZGERALD
LAWRENCE B. LINDEMER
JAMES L. RYAN,
Associate Justices

This cause having been brought to this Court by appeal from the decision of the Court of Appeals and having been argued by counsel and deliberation had thereon by the Court, IT IS HEREBY ORDERED that the judgment of the Court of Appeals is AFFIRMED IN PART and REVERSED IN PART As follows:

The injunctive order of the Circuit Court for the County of Wayne dated January 5, 1973 and the findings of contempt on April 23,1973 are AFFIRMED. The convictions of contempt of December 19, 1973 and October 15, 1974 are

REVERSED.

STATE OF MICHIGAN - ss.

I, Harold Hoag, Clerk of the Supreme Court of the State of Michigan, do hereby certify that the foregoing is a true and correct copy of an order entered in said court in said cause; that I have compared the same with the original, and that it is a true transcript therefrom, and the whole of said original order.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said supreme court at Lansing, this 20th day of January in the year of our Lord one thousand nine hundred and seventy-seven.

/s/ Corbin R. Davis, Deputy Clerk.

Entered: Jan. 20, 1977
Filed: Jan. 20, 1977

NOTE: See companion case, State Bar v. Cramer 399 Mich 116-161, holding only that,

"To the extent that the defendant (Cramer) provides personal advice peculiar to the dissolution of a specific marriage, she is engaged in the unauthorized practice of law." (emphasis added)

EXHIBIT AAA

State Bar v Cramer - Wayne County Circuit Court, Civil Action No. 72-218-571-CZ, "Cramer" alone appealed.

Michigan Court of Appeals, Docket No.'s 21921, 19075 and 16168 (effecting Wayne County Circuit Court # 72-218-571-CZ (Judge John D. O'Hair) transmitted to the Michigan Supreme Court, June 5, 1975.

State case docket entries involved:

December 30, 1976, Docket No. 56413, State Bar v Cramer, reported at: 399 Mich 116-161.

1-20-77 See companion case, State Bar v Cramer, 399 Mich 116-161 and see Exhibit AA Order and Remittitur of discontinuance, Docket No. 56413. NOT REMANDED to any other jurisdiction.

2-17-81 Exhibit AA-1, Ex parte motion for order to show cause, initiated by State Bar of Michigan and H. Rollin Allen, in Wayne County Circuit Court, filed 2-19-81, No. 72-218-571-CZ.

2-17-81 Exhibit AA-2, Ex parte order to show cause, initiated by State Bar of

Michigan, issued by Judge O'Hair. Not served upon "Cramer". # 72-218-571-CZ.

3-13-81 Exhibit AA-3, Ex parte motion for order to show cause, initiated by State Bar of Michigan and H. Rollin Allen, in Wayne County Circuit Court, filed 3-13-81, No. 72-218-571-CZ.

3-13-81 Exhibit AA-4, Ex parte order to show cause initiated by State Bar of Michigan, issued by Judge William Leo Cahalan for before Judge O'Hair, Wayne County Circuit Court, #72-218-571-CZ.

4-29-81 Bench Warrant, Exhibit AA-6, issued by Judge O'Hair, #72-218-571-CZ, for "Cramer's" arrest for "failure to voluntarily appear".

6-5-81 Exhibit AA-7, Order for Bond $1,000, issued by Judge O'Hair, #72-218-571-CZ.

6-12-81 See APPENDIX T, Transcript of 6/5/81 and APPENDIX U, Transcript of 6/12/81 Wayne County Circuit Court #72-218-571-CZ, Judge O'Hair. "Cramer" arrested and forcibly brought before Judge O'Hair for "failure to voluntarily appear".

6-12-81 "Cramer" deposited $1,000. cash with Wayne County Sheriff's Dept., for her release pending date set by Judge O'Hair as June 17, 1981.

6-12-81 "Cramer" not released after posting $1,000. cash "bond", and instead jailed in the Wayne County Jail to await the arrival of the Oakland County Sheriff's deputies who later transported "Cramer" to the Oakland County Jail in Pontiac, Michigan.

6-12-81 "Cramer" arrested and jailed on two (2) bench warrants issued by Judge Kuhn (Oakland County Circuit Court) divorce cases #74-114-277-DO and #75-121-954-DO. "Cramer" "failed to voluntarily appear". (See, docket entries of Seaholm v Seaholm and Horn v Horn, Oakland County Circuit Court, EXHIBIT B-2, infra.)

6-15-81 "Cramer" released by Oakland County Sheriff's Dept. at rear of Oakland County Jail, approximately 3 P.M.

6-17-81 See conditions of "Bond" EXHIBIT AA-7 and Transcript of June 12, 1981, APPENDIX U for restitution of $1,000. cash "bond" to "Cramer". No restitution made.

7-13-81 Special and Limited Appearance In Propria Persona, Notice of Hearing for July 17, 1981, Motion, Brief in Support of Motion to Quash Service and to Dismiss, filed. See, EXHIBIT B-1 et seq.

7-17-81 Judge O'Hair refused to hear "Cramer's" motion, and sent her a letter denying her motion.

8-11-81 $1,000.00 "cash bond" deposited by "Cramer" on June 12, 1981, refunded to "Cramer".

EXHIBIT AA-1

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF WAYNE

THE STATE BAR OF MICHIGAN, A Public Body Corporate,
Plaintiff

Civil Action

72-218-571-CZ

-vs-

VIRGINIA CRAMER,
Defendant.

FILED
Feb.19,1981

(Ex Parte) MOTION FOR ENTRY OF AN ORDER TO SHOW CAUSE

Now comes the State Bar of Michigan, a Public Body Corporate, by H. Rollin Allen, its Attorney, and files this Motion for the Entry of an Order to Show Cause why Defendant, Virginia Cramer, should not be held in contempt, and says as follows:

1. A Judgment and Injunctive Order was entered by this Honorable Court on the 5th day of January, 1973, enjoining and restraining Defendant, Virginia Cramer, from the further unauthorized practice of law.

2. Upon information and belief, Affiant believes that Virginia Cramer has violated the provisions of the Injunctive Order.

3. On file with the Court, are transcripts of proceedings in the circuit courts of the State of Michigan which indicate that the Defendant, Virginia Cramer is continuing to render legal advice and continuing to become involved in misconduct contrary to the provisions of the Injunctive Order.

WHEREFORE, it is prayed that an Order to Show Cause be entered directing Defendant Virginia Cramer to appear and show cause why she should not be held in civil or criminal contempt for violating the Injunctive Order of this Court.

THE STATE BAR OF MICHIGAN, a Public Body Corporate,
Plaintiff
By: /s/ H. Rollin Allen
(P-10113)
KIEFER, ALLEN AND CAVANAGH
Attorneys for Plaintiff

FILED:
2/19/81

EXHIBIT AA-2

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF WAYNE

THE STATE BAR OF MICHIGAN, A Public Body Corporate, Plaintiff,	Civil Action 72-218-571-CZ
-vs-	
VIRGINIA CRAMER, Defendant.	ISSUED Feb.17, 1981

(Ex Parte) ORDER TO SHOW CAUSE

At a session of said Court held in the City-County Building in the City of Detroit, Wayne County, Michigan, on FEBRUARY 17, 1981

PRESENT: HONORABLE JOHN D. O'HAIR
Circuit Judge

Upon and reading and filing a Motion for the Entry of an Order to Show Cause filed herein,

IT IS ORDERED that VIRGINIA CRAMER appear before this Court at 1413 City-County Building, in the City of Detroit, County of Wayne, State of Michigan on the 13th day of March 1981 at 2:00 O'clock in the afternoon, and show cause why she should not be punished for contempt for violating the Judgment and Injunctive Order heretofore entered in

this matter on January 5, 1973, and more specifically: continuing to hold herself out to the public as qualified to render advice and service to persons interested in obtaining a divorce in the Courts of Michigan; continuing to render counsel and service to persons seeking to dissolve a marital relationship by obtaining a Judgment of Divorce in the Courts of the State of Michigan; and continuing to furnish kits, forms and documents with assistance in their completion and execution to persons seeking to dissolve a marital relationship by obtaining a Judgment of Divorce in the Courts of the State of Michigan.

/s/ John D. O'Hair
Circuit Judge

Entered

2/17/81

EXHIBIT AA-3

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

THE STATE BAR OF MICHIGAN, a Public Body Corporate,
Plaintiff,
-vs-
VIRGINIA CRAMER,
Defendant.
/

Civil Action
72-218-571-CZ

FILED
Mar.13, 1981

(Ex Parte) MOTION FOR ENTRY OF AN ORDER TO SHOW CAUSE

Now comes the State Bar of Michigan, a Public Body Corporate, by H. Rollin Allen, its Attorney, and files this Motion for the Entry of an Order to Show Cause why Defendant, Virginia Cramer, should not be held in contempt, and says as follows:

1. A Judgment and Injunctive Order was entered by this Honorable Court on the 5th day of January, 1973, enjoining and restraining Defendant, Virginia Cramer, from the further unauthorized practice of law.

2. Upon information and belief, Affiant believes that Virginia Cramer has violated the provisions of the Injunctive Order.

3. On file with the Court are transcripts of proceedings in the Circuit Courts of the State of Michigan which indicate that the Defendant, Virginia Cramer, is continuing to render legal advice and tontinuing to become involved in misconduct contrary to the provisions of the Injunctive Order.

4. An Order to Show Cause was entered on February 17, 1981, directing Defendant to appear on March 13, 1981, at 2:00 P.M. This Order and the Motion were delivered to the Wayne County Sheriff for service but service was not effected. Petitioner requests that another Order to Show Cause be issued.

WHEREFORE, it is prayed that an Order to Show Cause be entered directing Defendant, Virginia Cramer, to appear and show cause why she should not be held in contempt for violating the Injunctive Order of this Court.

THE STATE BAR OF MICHIGAN
Plaintiff,

By: /s/ H. ROLLIN ALLEN
(P-10113)

FILED:
3/13/81

EXHIBIT AA-4

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF WAYNE

THE STATE BAR OF MICHIGAN,
A Public Body Corporate,
Plaintiff,

-vs-

VIRGINIA CRAMER,
Defendant.
_____/

Civil Action

72-218-571-CZ

JOHN D. O'HAIR
FILED
Mar. 13, 1981

(Ex Parte) ORDER TO SHOW CAUSE

At a session of said Court held in the City-County Building in the City of Detroit, Wayne County, Michigan on March 13, 1981

PRESENT: HONORABLE WILLIAM LEO CAHALAN
Circuit Judge

Upon the reading and filing a Motion for the Entry of an Order to Show Cause filed herein,

IT IS ORDERED that VIRGINIA CRAMER appear before this Court before Honorable John D. O'Hair at 1821 City-County Building, in the City of Detroit, County of Wayne, State of Michigan, on the 24 day of April 1981, at 2:00 O'clock in the afternoon, and show cause why she should not be punished for contempt for violating the Judgment and

Injunctive Order heretofore entered in this matter on January 5, 1973, and more specifically: continuing to hold herself out to the public as qualified to render advice and service to persons interested in obtaining a divorce in the Courts of Michigan; continuing to render counsel and service to persons seeking to dissolve a marital relationship by obtaining a Judgment of Divorce in the Courts of the State of Michigan; and continuing to furnish kits, forms and documents with assistance in their completion and execution to persons seeking to dissolve a marital relationship by obtaining a Judgment of Divorce in the Courts of the State of Michigan.

/s/ WILLIAM LEO CAHALAN

Circuit Judge

Entered

3/13/81

EXHIBIT AA-5

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF WAYNE

THE STATE BAR OF MICHIGAN, a Public Body Corporate,
Plaintiff,
-vs-
VIRGINIA CRAMER,
Defendant.

Civil Action
72-218-571-CZ
FILED
Mar.13, 1981

(Ex Parte) ORDER TO SHOW CAUSE

At a session of said Court held in the City-County Building in the City of Detroit, Wayne County, Michigan on March. 13, 1981

PRESENT: HONORABLE JOHN D. O'HAIR
Circuit Judge

Upon the reading and filing a Motion for the Entry of an Order to Show Cause filed herein,

IT IS ORDERED that VIRGINIA CRAMER appear before this Court, HON. JOHN D. O'HAIR at 1821 City-County Building, in the City of Detroit, County of Wayne, State of Michigan, on the 24 day of April 1981, at 2:00 o'clock in the afternoon, and show cause why she should not be punished for contempt for violating the Judgment and Injunctive Order hereto-

fore entered in this matter on January 5, 1973, and more specifically: tontinuing to hold herself out to the public as qualified to render advice and service to persons interested in obtaining a divorce in the Courts of Michigan; continuing to render counsel and service to persons seeking to dissolve a marital relationship by obtaining a Judgment of Divorce in the Courts of the State of Michigan; and continuing to furnish kits, forms and documents with assistance in their completion and execution to persons seeking to dissolve a marital relationship by obtaining a Judgment of Divorce in the Courts of the State of Michigan.

/stamped with rubber stamp/

JOHN D. O'HAIR, CIRUIT JUDGE

A TRUE COPY

JAMES R. KILLEEN, CLERK

By /s/ Richard G. Horn
Deputy Clerk

Entered M[illegible] 13, 1981

EXHIBIT AA-6

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF WAYNE

STATE BAR OF MICHIGAN, a Public Body Corporate, Plaintiff, -vs- VIRGINIA CRAMER, Defendant.

CIVIL ACTION

72-218-571-CZ

FILED

APR.29, 1981

H. ROLLIN ALLEN (P-10113)
KIEFER, ALLEN AND CAVANAGH
Attorney for Plaintiff
1565 City National Bank Bldg.
Detroit, Michigan 48226
(313) 961-8080

W A R R A N T

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN

TO THE SHERIFF OR DEPUTY SHERIFF OF THE COUNTY OF WAYNE:

WE COMMAND you to arrest VIRGINIA CRAMER and bring her forthwith personally before the Wayne County Circuit Court, Honorable John D. O'Hair, to answer to the Court for contempt in not obeying an Order to Show Cause issued out of this Court on the 13th day of March, 1981, and duly served upon her, commanding

her to appear on the 24th day of April, 1981 at the City of Detroit, Room 1821 City County Building, and to testify and to give into evidence in this cause to be tried between the State Bar of Michigan, a Public Body Corporate, Plaintiff, and Virginia Cramer, Defendant, on the part of the State Bar of Michigan.

YOU ARE FURTHER COMMANDED to detain VIRGINIA CRAMER in your custody until she shall be discharged by the Wayne County Circuit Court.

/s/ John D. O'Hair
CIRCUIT JUDGE

Dated: Detroit, Michigan

Apr 29 1981, at 12:05 P.M.

EXHIBIT AA-7

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF WAYNE

STATE BAR OF MICHIGAN,
a Public Body Corporate,
Plaintiff,

CIVIL ACTION

72-218-571-CZ

-vs-

VIRGINIA CRAMER,
Defendant.
/

FILED

June 5, 1981

ORDER FOR BOND

At a session of said Court held in the City-County Building, City of Detroit, County of Wayne, Michigan on JUNE 5, 1981

PRESENT: JOHN D. O'HAIR

This matter having come on for hearing before the Wayne County Circuit Court, Honorable John D. O'Hair, presiding, and the Court being advised in the premises and an outstanding warrant having issued against Virginia Cramer to bring her forthwith before the Wayne County Circuit Court,

NOW THEREFORE IT IS ORDERED that Virginia Cramer be permitted to post a $1,000.00 bond following her arrest and that said bond be posted at the Wayne County Jail, 525 Clinton,

Detroit, Mich 48226 conditioned upon her appearing in Court on the first full day that this Court is in session.

/s/ John D. O'Hair

CIRCUIT COURT

EXHIBIT B-1

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

THE STATE BAR OF MICHIGAN, A Public Body Corporate, and Judge John D. O'Hair, Judge William Leo Cahalan, H. Rollin Allen, members of the State Bar of Michigan, et al, Plaintiffs,	CIVIL ACTION 72-218-571-CZ NO JURISDICTION IN WAYNE COUNTY CIRCUIT COURT

VS

VIRGINIA CRAMER (no case pending in Wayne County Circuit Court No. 72-218-571-CZ without a remand by the Michigan Supreme Court)

FILED 7/13/81

H. ROLLIN ALLEN (p-10113)
Attorney for Plaintiffs

VIRGINIA CRAMER, In Propria Persona
(no case pending (Wayne) No. 72-218-571-CZ)

(continued next page)

SPECIAL AND LIMITED APPEARANCE
IN PROPRIA PERSONA

TO THE COURT CLERK:

PLEASE TAKE NOTICE that special and limited appearance of Virginia Cramer, IN PROPRIA PERSONA, is herewith filed in Civil Action No. 72-218-571-CZ; that the Wayne County Circuit Court lacks jurisdiction in said action 72-218-571-CZ, lacks jurisdiction of said person and/or property of Virginia Cramer, In Propria Persona; that the said Virginia Cramer is not a party to this sham proceedings initiated by the State Bar of Michigan, H. Rollin Allen and Judge John D. O'Hair; that the Wayne County Circuit Court lacks jurisdiction of the subject-matter where, after the decision and opinion by the Michigan Supreme Court (Docket No. 56413), reported at 399 Mich 116, without a remand the lower court has no jurisdiction; that the said Judge John D. O'Hair has robbed Virginia Cramer of her personal property of One Thousand ($1,000.00) Dollard and which is not a bond where the Wayne County Circuit Court has

no jurisdiction in Civil Action No. 72-218-571-CZ.

Short Jurat /s/ Virginia Cramer
Dated:
July 13, 1981 In Propria Persona

TO THE PLAINTIFFS:

PLEASE TAKE NOTICE that Virginia Cramer, In Propria Persona, has filed the above "SPECIAL AND LIMITED APPEARANCE" and that you are required to furnish and/or provide the said Virginia Cramer with a copy of any and/or all papers occurring for whatever purpose in this matter. Also, you are required to notify the said Virginia Cramer, in advance, of any and/or all ex parte communications which have occurred, which may occur or which will occur relative, remotely or otherwise, the reasons and the results therefore, and where the Judge involved, directly and/or indirectly, is a member of the party-plaintiff The State Bar of Michigan.

Dated: /s/ Virginia Cramer
July 13, 1981 In Pro Per

Retroactive to and
including Dec. 31, 1976

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF WAYNE

THE STATE BAR OF MICHIGAN, A Public Body Corporate, and Judge John D. O'Hair, Judge William Leo Cahalan, H. Rollin Allen, Members of the State Bar of Michigan, et al, Plaintiffs	CIVIL ACTION 72-218-571-CZ NO JURISDICTION IN WAYNE COUNTY CIRCUIT COURT
VS	
VIRGINIA CRAMER (no case pending in Wayne County Circuit Court No. 72-218-571-CZ; without a remand by the Michigan Supreme Court)	FILED 7/13/81

NOTICE OF HEARING

TO THE ABOVE-NAMED PLAINTIFFS:

and Attorney for Plaintiffs, H. Rollin Allen, (P-10113) 1565 City National Bank Bldg. Detroit, Michigan 48226

PLEASE TAKE NOTICE that MOTION TO QUASH SERVICE OF PROCESS will be heard by the Honorable John D. O'Hair, Wayne County Circuit Court, 18th floor, City-County Building, Detroit, Michigan, on FRIDAY, July 17, 1981, at the opening of Court, in the above-captioned matter.

Dated:
July 13, 1981

/s/ Virginia Cramer
In Propria Persona

MOTION TO QUASH SERVICE

Virginia Cramer, in propria persona, having filed a special and limited appearance in propria persona, moves the Court to quash service of the process of "Order to Show Cause" dated March 13, 1981, and to Order restitution of One Thousand ($1,000.00) Dollars cash to said Virginia Cramer, on the grounds that said service of process was invalid, and to dismiss the Amended Motion for Entry of An Order to Show Cause, for the following reasons:

1. That the so-called "Judgment for Plaintiff and Injunctive Order" entered on January 5, 1973, is invalid since it orders nothing; that the Court speaks only through its written "Orders."

2. That the Michigan Supreme Court decision and opinions of December 30, 1976, captioned State Bar of Michigan vs Cramer, reported at 399 Mich 116, and also the "Order of Remittitur" entered on January 20, 1977, affirmed the "Judgment" of January 5, 1973,

and which said Judgment for Plaintiff and Injunctive Order orders nothing.

3. That the Michigan Supreme Court did not remand the matter to the trial court and the Wayne County Circuit Court does not have jurisdiction to take further proceedings.

4. That the "Order to Show Cause" entered in the Wayne County Circuit Court on March 13, 1981, Civil Action No. 72-218-571-CZ, is invalid and service of process is invalid where without a remand by the Michigan Supreme Court the lower court has no jurisdiction.

5. That the "Warrant" issued on April 29, 1981, and executed on June 12, 1981, arresting the said Virginia Cramer, is invalid for the same reasons and grounds that the "Order to Show Cause" issued on March 13, 1981, and served upon Virginia Cramer is invalid where the Wayne County Circuit Court has no jurisdiction, without a remand by the Michigan Supreme Court.

6. That on said June 12, 1981, the said Judge John D. O'Hair illegally and unlawfully,

in the absence of jurisdiction without a remand by the Michigan Supreme Court, Ordered that Virginia Cramer post a $1,000.00 cash bond following said illegal and unlawful arrest.

7. That the said Judge John D. O'Hair flagrantly and maliciously robbed said Virginia Cramer of said One Thousand ($1,000) Dollars in cash, which is not a bond.

8. That the cash amount of $1,000. was paid by Virginia Cramer for her immediate release from the Wayne County Jail on the condition that she appear in the Wayne County Circuit Court on June 17, 1981, as stated by Judge John D. O'Hair.

9. That said Virginia Cramer appeared in propria persona in Judge John D. O'Hair's courtroom on said June 17, 1981, at approximately 9:00 A.M. and, by fraud and deceit, the date was changed to August 11, 1981, and for the reason that H. Rollin Allen did not have Subpeonas served, as misrepresented to the said Virginia Cramer.

10. That the invalid "Order to Show Cause" served and the illegal arrest of Virginia Cramer and robbing her of $1,000.00 are despicable, contemptible, dirty tactics.

WHEREFORE Virginia Cramer in propria persona prays that the Court grant her motion by special and limited appearance, to quash service of process of Order entered on March 13, 1981, and dismiss plaintiff's Amended Motion for Order to Show Cause, and Order restitution of One Thousand ($1,000.00) Dollars.

Dated:
July 13, 1981

/s/ Virginia Cramer
In Propria Persona

BRIEF IN SUPPORT OF MOTION
TO QUASH SERVICE AND TO DISMISS

A special and limited appearance of Virginia Cramer, in propria persona, filed herein is for the sole purpose of objecting to the jurisdiction of the Wayne County Circuit Court.

The Michigan Supreme Court's decision and opinions rendered on December 30, 1976, reported at 399 Mich 116, did not remand the matter to the lower court for further pro-

ceedings. Also, the order of remittitur entered by the Michigan Supreme Court Clerk, and/or as directed by that Court, did not remand the case or any matter to the lower court. If a case has not been remanded to the trial court after a decision by the Michigan Supreme Court, the trial court does not have jurisdiction to take further proceedings. Morris v Radley, (1943) 11 NW 2d 291, 306 Mich 689.

See copy of "remittitur" entered on January 20, 1977, in this case (attached hereto). Where the Michigan Supreme Court affirmed the "Judgment" of the trial court, and which said "Judgment and Injunctive Order" orders nothing, and there was nothing to re-instate the case in the lower court on remand, therefore, there was no remand. The Plaintiff-State Bar of Michigan did not request any "remand". Defendant-Cramer did not request any "remand". Without a "remand" the lower court has no jurisdiction. See 5B CJS Appeal and Error, at 1958. The word "remittitur" is used to denote the order issued by an

appellate court on the decision of a cause on appeal, directing the action to be taken or the disposition to be made of the cause by the lower court, as stated in Appeal and Error, 5B CJS at 1958, * * * "and it is now of the same nature as a discontinuance, and is governed by the same rules." (emphasis added)

The Wayne County Circuit Court was without jurisdiction to enter "Order to Show Cause" on February 19, 1981, and on March 13, 1981. The "Judgment and Injunctive Order" of the Wayne County Circuit Court, affirmed by the Michigan Supreme Court, is invalid and orders nothing. Therefore, there was nothing to remand.

July 13, 1981 /s/ Virginia Cramer
In Propria Persona

EXHIBIT B - Letter dated February 24, 1976

TO: Judge Richard D. Kuhn
Oakland County Circuit Court
1200 N. Telegraph Rd.
Pontiac, Michigan 48053

TO: Sheriff Johannes Spreen,
Oakland County Sheriff's Dept.
1201 N. Telegraph Rd.
Pontiac, Michigan 48053

TO: Prosecutor, Brooks Patterson
Oakland County
1200 N. Telegraph Rd.
Pontiac, Michigan 48053

In re: Invalid Bench Warrants signed by Judge Richard D. Kuhn against Virginia Cramer. Request to recall the same.

Dear Sirs:

This is a request that each of you take the proper and immediate action to recall the invalid bench warrants pending against Virginia Cramer, for the following reasons: On/or about April 4, 1975, the above-named Judge Richard D. Kuhn took illegal action against this writer, Virginia Cramer. Shortly thereafter, said Judge Kuhn illegally issued two (2) bench warrants against the said Virginia Cramer. Said bench warrants are invalid.

Subsequently, the Oakland County Sheriff's Dept. made three or four (perhaps more) attempts to arrest and incarcerate the said Virginia Cramer based upon the illegal action and invalid and improper issuance of said bench warrants on the part of Judge Richard D. Kuhn.

Recently, I checked with the Oakland County Sheriff's Dept. and I was given information that said illegal and invalid bench warrants against Virginia Cramer are still outstanding. This is shocking, to say the least in view of the grievances that were filed with the Michigan Judicial Tenure Commission against Judge Richard D. Kuhn. Judge Kuhn should have seen fit to recall the said invalid bench warrants, solely on the basis of propriety. Inasmuch as he has not yet recalled the said invalid warrants, it is now necessary for me to draw further attention to the illegal conduct of said Judge Kuhn, to various and several other persons, as shown in this letter. My concern is also based upon the potential of being

wrongfully arrested, detained, or imprisoned because of said invalid bench warrants illegally issued by said Judge Kuhn. If such unfortunate incident should occur, I would have no recourse except to institute a suit for false arrest and/or false imprisonment. It would, indeed, be unfortunate for others to become victimized by the negligence and illegal conduct of Judge Kuhn.

The law is very clear on this in Michigan. In De Kuyper vs. De Kuyper, 113 NW 2d 804, the Michigan Supreme Court held "a party cannot be subjected to jurisdiction of a court except by issuance (of summons) and service of process." In that case, the courts decision lent itself to the principle of the law, and in the absence of an amended complaint to allege facts relief upon to support the relief sought against one not a party to the suit, an ex parte order adding a party-defendant in the said proceedings, did not subject said 'party-defendant' to the court's jurisdiction.

As to the invalid bench warrants by Judge Kuhn against Virginia Cramer, the court records will show conclusively that (1) no party has amended any pleadings to add Virginia Cramer to any suit, (2) no party has alleged a cause of action against Virginia Cramer in Judge Kuhn's courtroom, (3) no summons was issued for service of process on Virginia Cramer, and (4) therefore, Judge Kuhn was without jurisdiction to sign said bench warrants and that Virginia Cramer has not voluntarily entered her appearance in any case before Judge Kuhn.

Yours truly,

/s/ Virginia Cramer

CC: Chief Justice Thomas G. Kavanagh
Justice G. Mennen Williams
Justice Charles L. Levin
Justice Mary S. Coleman
Justice John W. Fitzgerald
Justice Lawrence B. Lindemer
Justice James L. Ryan

EXHIBIT C - Letter dated October 5, 1981

Virginia Cramer
27314 Clairview Drive
Dearborn Heights, Michigan 48127

Re: The State Bar of Michigan
v.
Virginia Cramer, et al

Dear Ms. Cramer:

Enclosed please find a proposed Judgment which we intend to submit for entry by Judge O'Hair. If the proposed Judgment enclosed herewith is satisfactory, please approve for entry by signing above your typewritten name, and return in the enclosed self-addressed, stamped envelope. If I do not receive the proposed Judgment within seven (7) days from your receipt of same, I will then assume you do not approve the Judgment and I will bring the matter for hearing before Judge O'Hair.

Respectfully yours,

KIEFER, ALLEN, CAVANAGH & TOOHEY

/s/ H. Rollin Allen

EXHIBIT D - Proposed Judgment submitted by H. Rollin Allen - October 5, 1981

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

THE STATE BAR OF MICHIGAN, a Public Body Corporate, Plaintiff,
-vs-
VIRGINIA CRAMER, et al, Defendants.

HONORABLE JOHN D. O'HAIR

No. 72-218-571-CZ

JUDGMENT

At a session of said Court held in the City-County Building in the City of Detroit, Wayne County, Michigan, on _____

PRESENT: HONORABLE _____
Circuit Judge

WHEREAS a Judgment and Injunctive Order was entered by this Honorable Court on the 5th day of January, 1973 enjoining and restraining Defendant, Virginia Cramer, from the unauthorized practice of law; and

WHEREAS, a Motion and Amended Motion for Entry of an Order to Show Cause was filed, and an Order to Show Cause was issued on the 13th day of March, 1981, directing Defendant, Virginia Cramer, to appear and show cause why she

should not be punished for contempt for violating the Judgment and Injunctive Order entered January 5, 1973; and

Testimony was taken on Tuesday, August 11, 1981; and

The Court having had benefit of argument by Defendant and the Attorney for the State Bar of Michigan, Plaintiff,

NOW, THEREFORE, it is the finding of the Court that the Defendant, Virginia Cramer violated the Court's Order of January 5, 1973 as set forth in the Court's findings of that date, and she is in contempt of Court therefor.

IT IS FURTHER ORDERED that Defendant may purge herself of the contempt by total future abstention from the unauthorized practice of law, and more specifically from rendering counsel and service to persons seeking to dissolve a marital relationship in the Courts in the State of Michigan, and from furnishing forms with assistance as to their completion to individuals seeking to obtain any dissolution of marital relationship in the Courts in the State of Michigan.

IT IS FURTHER ORDERED that Defendant shall forthwith pay into the Wayne County Circuit Court the sum of Ninety Five Dollars ($95.00), which sum was charged William W. Neville.

IT IS FURTHER ORDERED that the Clerk of the Court shall forward Forty Five Dollars ($45.00) of that sum to William W. Neville at 5016 Orchard, Dearborn, Michigan.

IT IS FURTHER ORDERED that if, after August 11, 1981, the Defendant engages in the unauthorized practice of law in violation of the January 5, 1973 Order and is so adjudicated by this Court, she will be required to spend thirty (30) days in the Wayne County Jail.

IT IS FURTHER ORDERED that such thirty (30) days imprisonment will be imposed as a deterent to the further unauthorized practice of law and not as punishment.

IT IS FURTHER ORDERED that if Defendant, Virginia Cramer, does not pay the sum of Ninety Five Dollars ($95.00) to the Wayne County Clerk on or before August 16, 1981,

Defendant shall be committed to the Wayne County Jail.

NOT SIGNED

NOT ENTERED
NOT FILED

Circuit Judge

EXHIBIT E - Filed November 13, 1981

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT

VIRGINIA CRAMER,
Petitioner-Plaintiff
VS

Action No.
81-73926

THE STATE BAR OF MICHIGAN; JOHN D. O'HAIR; WILLIAM LEO CAHALAN; RICHARD D. KUHN; H. ROLLIN ALLEN; et al.
Respondents-Defendants.

Filed
11-13-81

State of Michigan)
County of Wayne) ss.

AFFIDAVIT OF WILLIAM W. NEVILLE

WILLIAM W. NEVILLE, being first duly sworn, on this 13th day of November, 1981, personally appeared before me a Notary Public, who made oath that he has read this Affidavit by him subscribed, knows the contents thereof and that the same is true of his own personal knowledge except as to those matters stated to

be upon information and belief and as to those matters he believes them to be true, as follows:

1. That he is the William W. Neville who was subpeonaed by H. Rollin Allen as the attorney for the State Bar of Michigan for proceedings held in the Wayne County Circuit Court, State of Michigan, before the Honorable John D. O'Hair on August 11, 1981.

2. That he appeared and gave testimony on said date of August 11, 1981, in the said proceedings before the said Honorable John D. O'Hair.

3. That he has read the transcript of the proceedings of August 11, 1981, before the Honorable John D. O'Hair as appears to be submitted and filed in the United States District Court Docket No. 81-73926 attached to the pleadings of H. Rollin Allen under date of October 30, 1981.

4. That pertinent herein is the Honorable John D. O'Hair's statement on pages 7 and 8 of the herein aforementioned transcript of August

11, 1981, as follows: (quotation)

> "She is also to forthwith pay into the Court, a sum of $95. That fee that she charged Mr. Neville for rendering service, immediately. The $45 will be immediately forwarded to the clerk by Mr. Neville. (sic, ????) If Mrs. Cramer appears in court in the initiation of State Bar proceedings, it is established and the court is satisfied that she has continued in her unauthorized activity, she will spend 30 days in the Wayne County Jail. * * *
>
> "She is on fair notice that she will spend time in jail, 30 days specifically, if she continues her activities. Thirty days of imprisonment is simply imposed as a deterrent not as punishment. She has the ability to stay out of jail if she wishes to do so.
>
> "Prepare a proposed order, Mr. Allen.
>
> "If the $95 is not paid within the five days as ordered, Mrs. Cramer is to be committed to the Wayne County Jail".
>
> (Proceedings concluded.)"

5. That your affiant herein noticed that the said herin described transcript of August 11, 1981, as submitted and attached to the copies of pleadings by H. Rollin Allen, omits the testimony of said William W. Neville, affiant herein.

6. That your affiant did not request any refund of any moneys as pertaining or relative to or involving this matter; that he does not

want any repayment or refund or reimbursement of any moneys pertaining or relative to or involving this matter.

7. That your affiant did not authorize anyone to request any refund to him of any moneys involving this matter.

8. That your affiant believes that the attorney-H. Rollin Allen has unduly imposed upon and harassed your affiant; that your affiant did not and has not engaged the services of H. Rollin Allen; and further, that no attorney, especially not H. Rollin Allen, has been authorized to represent the said William W. Neville, affiant herein.

/s/ WILLIAM W. NEVILLE, affiant
3045 Monroe
Dearborn, Michigan 48124

Short Jurat

Dated: November 13, 1981

EXHIBIT B-2

OAKLAND COUNTY CIRCUIT COURT - Judge Kuhn

Seaholm v Seaholm, No. 74-114-277-DO

Docket Entries

8-5-74 Complaint for Divorce, filed. Summons issued.

9-4-74 Defendant's (Terry Lee Seaholm) Appearance signed, notarized, filed.

11-8-74 Default and Affidavit of Default, filed. Proof of Service, filed.

2-17-75 Defendant-Terry Lee Seaholm's waiver (military) signed, filed.

2-17-75 Plaintiff-Linda Carol Seaholm's Praecipe, filed. Hearing date set for March 26, 1975.

2-17-75 Notice of hearing to Defendant, Proof of Service, filed.

3-26-75 Divorce granted. Default Judgment of Divorce dated March 26, 1975, signed by Judge Richard D. Kuhn.

4-4-75 Ex Parte Order to Show Cause against Virginia Cramer, issued, by Judge Kuhn. (no affidavit, no complaint, no summons, no motion, no notice of hearing) "Cramer" not served.

4-7-75 "Return" filed. (shows incorrect address for "Cramer" and no named-document as "served" on said "return")

4-9-75 Bench Warrant issued for "Cramer's" arrest, by Judge Richard D. Kuhn. Writ # 75-604 for failure to appear.

4-10-75 Seven (7) government vehicles dispatched, with an abundant personnel

(Oakland County Sheriff's deputies and Dearborn Heights city police and detectives) to execute said one (1) bench warrant issued for "Cramer's" arrest. (1 person)

4-10-75 Lien entered, for Statewide pick-up, on Bench Warrant for failure to appear as ordered by court; Misdemeanor Warrant for Failure to Appear - re: Virginia Cramer.

6-12-81 "Cramer" arrested and jailed June 12, 13, 14 and 15, 1981. Oakland County Jail.

6-15-81 "Cramer" forcibly brought into court-room handcuffed, shackled and chained, approx. 11 A.M. before Judge Kuhn.

6-15-81 "Cramer" not examined by Judge Kuhn, but, Cramer reminded Judge Kuhn that she had written him a letter, dated February 24, 1976.

6-15-81 "Cramer" taken back to Oakland County Jail, and released approx. 3 P.M. at rear of said jail.

6-15-81 Bench Warrant cancelled, entered June 19, 1981.

* *

Horn v Horn, No. 75-121954-DO

Docket Entries

2-25-75 Complaint for divorce, filed. Summons issued.

2-25-75 Defendant-Daniel Robert Horn served personally, by Oakland County Sheriff's Dept.

2-25-75 Sheriff's return of service, filed.

3-26-75 Default and Affidavit of Default, filed. Praecipe filed, Date set for April 30, 1975.

4-30-75 Divorce granted. Default Judgment of Divorce signed by Judge Kuhn.

5-8-75 Ex Parte Order to Show Cause against Virginia Cramer, issued by Judge Kuhn. (no affidavit, no complaint, no summons, no motion, and "Cramer" not served)

5-16-75 Sheriff's return shows not personally served upon Cramer.

5-16-75 Order for Substituted Service, issued by Judge Kuhn. Substituted service not completed. Mail not delivered and returned to Oakland County Clerk's office, undelivered.

7-24-75 Order for Bench Warrant issued for failure to "Cramer" to appear on May 21, 1975.

7-24-75 Lien entered, for Statewide pick-up. Misdemeanor Warrant for Contempt of Court, Bench Warrant/failed to appear.

6-12-81 "Cramer" arrested and jailed on June 12, 13, 14 and 15, 1981.

6-15-81 "Cramer" forcibly brought into Courtroom, chained, shackled and handcuffed approx. 11 A.M. before Judge Kuhn.

11-23-77 Bench Warrant cancelled by Judge Kihn, Writ # 75-1220, entered on June 19, 1981.

6-15-81 "Cramer" not examined by Judge Kuhn, but Cramer reminded Judge Kuhn as to her February 24, 1976 letter and

cited: DeKuyper v. DeKuyper, (Mich) 113 NW 2d 804. - no jurisdiction.

6-15-81 "Cramer" released at rear of said Oakland County Jail, approx. 3 P.M.

* *

EXHIBIT B-3

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF OAKLAND

LINDA CAROL SEAHOLM, Plaintiff, No. 74-114-277 DO

v

TERRY LEE SEAHOLM, Defendant.

FILED Apr. 4, 1975

(EX PARTE) ORDER TO SHOW CAUSE

At a session of said Court, held in the Courthouse, City of Pontiac, County of Oakland, State of Michigan, on this 4th day of April, A.D. 1975

PRESENT: THE HONORABLE RICHARD D. KUHN, Circuit Judge

Linda Carol Seaholm having appeared In Propria Persona in the above entitled cause, and it appearing from her testimony under oath that Virginia M. Cramer has been engaged in the unauthorized practice of law,

IT IS HEREBY ORDERED that Virginia M.

Cramer appear before this Court on Wednesday April 9, 1975 at 2:30 in the afternoon, and show cause, if any she have, why she should not be punished for the contemptuous acts more fully described as follows:

The selling of legal advice to Linda Carol Seaholm in regard to the institution and prosecution of divorce proceedings against Terry Lee Seaholm. Said advice was first sold between July 27 and August 5, 1974, and continued on various subsequent occasions up to February of 1975.

Said advice consisted of the explanation of how to fill out forms, also sold by Virginia M. Cramer. Said forms constitute the majority, if not all, of the pleadings filed in the above entitled cause.

Additionally, Virginia M. Cramer's fee included advice on how to appear before this Court, what to say, how to serve papers, and where to file them.

IT IS FURTHER ORDERED that a true copy of the Order to Show Cause be personally served on Virginia M. Cramer on or before April 5, 1975.

/s/ Richard D. Kuhn
Circuit Judge

EXHIBIT B-4

STATE OF MICHIGAN)
COUNTY OF OAKLAND) Civil Division
No. 74-114277

I HEREBY CERTIFY AND RETURN, That on the 4th day of April A.D. 1975 at 27314 Clearview, Dearborn Hgts. in the State of Michigan, I served the attached _____ personally on Virginia Cramer _____ named in said _____ by then and there, at the place and on _____

_____

a true copy of said _____

Fees: - Service $____
Travel $____
Copies $____
Total $____

_____ Sheriff
By /s/ Cpl. Velat
Deputy Sheriff

NO FILING DATE

NOTE: In the above, no document named; no document served; wrong street name.

EXHIBIT B-5

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF OAKLAND

LINDA CAROL SEAHOLM, Plaintiff,
vs.
TERRY LEE SEAHOLM, Defendant.

NO. 74-114277 DO

ISSUED
Apr 9, 1975

IN THE MATTER OF VIRGINIA M. CRAMER

ORDER FOR BENCH WARRANT

At a session of said court, held in the Courthouse, City of Pontiac, County of Oakland, State of Michigan, on this 9th day of April A.D. 1975

PRESENT: THE HONORABLE RICHARD D. KUHN, Circuit Judge

The Court having ordered on the 4th day of April, A.D. 1975, that Virginia M. Cramer appear before this Court on Wednesday, April 9, 1975 at 2:30 in the afternoon and show cause, if any she have, why she should not be punished for Contempt of Court;

The case having been called in open Court and the said Virginia M. Cramer having failed to appear as ordered;

The Court having noted that the Sheriff's

Return of Service was duly filed stating that Virginia M. Cramer was served with the Order to Show Cause on the 4th day of April, A.D. 1975;

IT IS HEREBY ORDERED that a Bench Warrant be issued by the Clerk of the Court commanding the arrest of the said Virginia M. Cramer and commanding that she be brought before this Court for disposition according to law.

/s/ Richard D. Kuhn,
Circuit Judge

Issued
Apr 9, 1975

EXHIBIT B-6

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF OAKLAND

LINDA CAROL SEAHOLM,
Plaintiff,
v
TERRY LEE SEAHOLM,
Defendant.
/

NO. 74-114277 DO

WRIT # 75-604

FILED
Jun 19, 1981

IN THE MATTER OF VIRGINIA M. CRAMER/

ORDER FOR CANCELLATION OF BENCH WARRANT

At a session of said Court held in the Courthouse, in the City of Pontiac, County of Oakland, State of Michigan, on this 15th day of June A.D. 1981

PRESENT: THE HONORABLE RICHARD D. KUHN
CIRCUIT JUDGE

IT IS HEREBY ORDERED AND ADJUDGED that the Bench Warrant for the arrest of Virginia Carmer on April 9, 1975 be and the same is hereby cancelled.

/s/ Richard D. Kuhn

Circuit Judge

Filed
June 19, 1981

EXHIBIT B-7

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF OAKLAND

DEBRA KAY HORN, Plaintiff, NO. 75-121954 DO

v

DANIEL ROBERT HORN, Defendant. FILED

May 9, 1975

IN THE MATTER OF VIRGINIA CRAMER

(EX PARTE) ORDER TO SHOW CAUSE

At a session of said Court, held in the Courthouse, City of Pontiac, County of Oakland, State of Michigan, on this 8th day of May, A.D. 1975

PRESENT: THE HONORABLE RICHARD D. KUHN, Circuit Judge

Debra Kaye Horn having appeared in Propria Persona in the above entitled cause, and it appearing from her testimony given under oath on April 30, 1975, that Virginia Cramer has been engaged in the unauthorized practice of law;

IT IS HEREBY ORDERED that Virginia Cramer appear before this Court on Wednesday, May 21, 1975 at 2:00 o'clock in the afternoon, and show cause, if any she have, why she should not be punished for the contemptuous acts more

fully described as follows:

The selling of legal advice to Debra KayeHorn in regard to the institution and prosecution of divorce proceedings in the Circuit Court for the County of Oakland, against Daniel Robert Horn. Said advice was sold over a period beginning on or about February 21, 1975 and continuing to on or about April 28, 1975. The fee for said advice was $55.00, which fee was paid on or about February 21, 1975. Said advice consisted of the explanation of what proceedings to go through to obtain a judgment of divorce in the Circuit Court for the County of Oakland. Additionally, for the fee charged, Virginia Cramer provided Debra Kaye Horn with a typed paper constituting the "litany" which Debra Kaye Horn should recite to put in proofs for her case. For the fee charged, Virginia Cramer also prepared all pleadings in the above entitled cause.

IT IS FURTHER ORDERED that a true copy of this Order to Show Cause be personally served

on Virginia Cramer on or before May 17, 1975.

/s/ Richard D. Kuhn

Filed
May 9, 1975

Circuit Judge

EXHIBIT B-8

RETURN ON SERVICE IF NOT FOUND

STATE OF MICHIGAN)
COUNTY OF OAKLAND) SS

FILED
MAY 16, 1975

I do hereby certify and return that after diligent search and inquiry I have been unable to find the within named Defendant Virginia Cramer will not answer door _____

---

in my bailiwick.

JOHANNES F. SPREEN, Sheriff

/s/ GUY E. KESSLER
Deputy Sheriff

Pontiac, Mich.

May 16, 1975

EXHIBIT B-9

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF OAKLAND

DEBRA KAY HORN,
Plaintiff,

v

DANIEL ROBERT HORN,
Defendant.
_____/

NO. 75-121954 DO

FILED
June 3, 1975

IN THE MATTER OF VIRGINIA CRAMER

ORDER FOR SUBSTITUTED SERVICE

At a session of said Court, held in the Courthouse, City of Pontiac, County of Oakland, State of Michigan, on this 16th day of May, A.D. 1975

PRESENT: THE HONORABLE RICHARD D. KUHN
Circuit Judge

The Court being advised that diligent efforts to personally serve Virginia Cramer with the Order to Show Cause filed May 9, 1975, in this cause, have been in vain as appears from the Sheriff's return;

IT IS HEREBY ORDERED that service of said Order to Show Cause on Virginia Cramer may be had by posting a true copy of it, together with a true copy of this Order, on the front door of her residence located at 27314 Clair-

view, Dearborn Heights, Michigan 48127; and in addition by mailing of same to said residence by registered mail, return receipt requested.

/s/ Richard D. Kuhn
Circuit Judge

Entered
May 16, 1975

Filed June 3, 1975

A copy of this order served as directed on 5/16/75 at 6.55 PM attached to the front door.
Sheriff's Complaint #75-8368
Served by Cpl John F. Taylor
C.C.S.D.

/s/ John F. Taylor

NOTE: There was no registered mail and/or "return receipt" connected with the above.

EXHIBIT B-10

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF OAKLAND

DEBRA KAYE HORN, Plaintiff NO. 75-121954 DO

VS

DANIEL ROBERT HORN, Defendant. FILED NO DATE

IN THE MATTER OF VIRGINIA CRAMER

ORDER FOR BENCH WARRANT

At a session of said Court, held in the Courthouse, in the City of Pontiac, County of Oakland, State of Michigan, on this 24th day of July, A.D. 1975

PRESENT: THE HONORABLE RICHARD D. KUHN
Circuit Judge

The Court having ordered on the 8th day of May, A.D. 1975, that Virginia Cramer appear before this Court on Wednesday, May 21, 1975 at 2:00 o'clock in the afternoon and show cause, if any she have, why whe should not be punished for Contempt of Court;

The Court having Ordered Substituted Service of the Order to Show Cause, due to the inability to obtain personal service, as is more fully shown by the file in this cause;

The file reflecting further that the Order for Substituted Service was complied with;

The case having been called in open Court on the day and date set for hearing, and the said Virginia Cramer having failed to appear;

IT IS HEREBY ORDERED that a Bench Warrant be issued by the Clerk of the Court commanding the arrest of the said Virginia Cramer and commanding that she be brought before this Court for disposition according to law.

/s/ Richard D. Kuhn
Circuit Judge

Date Filed: NONE

EXHIBIT B-11

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF OAKLAND

DEBRA KAYE HORN,
Plaintiff,
v
DANIEL ROBERT HORN,
Defendant.

NO. 75-121954 DO
WRIT # 75-1220

FILED
Jun 19, 1981

IN THE MATTER OF VIRGINIA CRAMER

ORDER FOR CANCELLATION OF BENCH WARRANT

At a session of said Court held in the Courthouse, in the City of Pontiac, County of Oakland, State of Michigan, on this 23rd day of November, A.D. 1977

PRESENT: THE HONORABLE RICHARD D. KUHN
Circuit Judge

IT IS HEREBY ORDERED AND ADJUDGED that the Bench Warrant issued for the arrest of Virginia Cramer on July 24, 1975 be and the same is hereby cancelled.

/s/ Richard D. Kuhn
Circuit Judge

Issued: November 23, 1977

Filed: June 19, 1981

EXHIBIT BB

KIEFER, ALLEN & CAVANAGH
Attorneys & Counsellors
1565 City National Bldg.
(Penobscot Building)

Detroit 48226

March 13, 1981

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Ms. Rosetta Hadley

486 Ditmar

Pontiac, Michigan 48053

Dear Ms. Hadley:

Upon receipt of this letter, would you please contact the undersigned concerning problems connected with your Divorce Judgment?

Very truly yours,

KIEFER, ALLEN & CAVANAGH

HRA:md /s/ H. Rollin Allen

(THIS PAGE INTENTIONALLY LEFT BLANK)

VOLUME III

NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

VIRGINIA CRAMER,

Petitioner, Plaintiff and Appellant

VS

STATE BAR OF MICHIGAN;
JOHN D. O'HAIR;
WILLIAM LEO CAHALAN;
RICHARD D. KUHN;
H. ROLLIN ALLEN, and All
Members of the State Bar
of Michigan similarly
situated,

Respondents, Defendants and Appellees

PETITION FOR A WRIT OF CERTIORARI
TO THE COURT OF APPEALS
SIXTH CIRCUIT - (No. 82-1855)
AND
DISTRICT COURT, ED MICHIGAN
SOUTHERN DIVISION - (No. 81-73926)
AND

REQUEST FOR JURY TRIAL, MONETARY DAMAGES,
INJUNCTIVE, AND DECLARATORY RELIEF

Virginia Cramer
Pro se Petitioner
27314 Clairview
Dearborn Heights,
Michigan 48127
(313) 278-7286

February 1984

VOLUME III

TABLE OF CONTENTS

	page
QUESTIONS PRESENTED FOR REVIEW	1-20
LIST OF RESPONDENTS, DEFENDANTS, APPELLEES	20-21
OPINIONS BELOW	23
JURISDICTION	25
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	26
STATEMENT	28
REASONS FOR GRANTING THE PETITION	46
CONCLUSION	62

VOLUME II

EXHIBIT A	Injunctive Order 1/5/73	66
EXHIBIT AA	Remittitur of Discontinuance 1/20/77	70
EXHIBIT AAA	Docket Entries, State Case No. 72-218-571-CZ	72
EXHIBIT AA-1	Ex Parte Motion Filed 2/17/81	76
EXHIBIT AA-2	Ex Parte Order Filed 2/17/81	78
EXHIBIT AA-3	Ex Parte Motion Filed 3/13/81	80
EXHIBIT AA-4	Ex Parte Order 3/13/81	82
EXHIBIT AA-5	Ex parte Order 3/13/81 True Copy	84

		page
EXHIBIT AA-6	Warrant 4/29/81	86
EXHIBIT AA-7	Order for Bond 6/5/81	88
EXHIBIT B-1	Special and Limited Appearance in pro per Filed 7/13/81 - Notice, Motion to Quash, Brief	89
EXHIBIT B	Letter 2/24/76 to Judge Kuhn and others	99
EXHIBIT C	Letter 10/5/81 by H. Rollin Allen	103
EXHIBIT D	Proposed Judgment, Not Signed	104
EXHIBIT E	Affidavit of W.Neville Filed 11/13/81 No. 81-73926	107
EXHIBIT B-2	Docket Entries Seaholm v Seaholm Horn v Horn Judge Kuhn	 111 112
EXHIBIT B-3	Ex Parte Order 4/4/75	114
EXHIBIT B-4	Return No filing date	116
EXHIBIT B-5	Order for Bench Warrant issued 4/9/75	117
EXHIBIT B-6	Order for Cancellation of Bench Warrant Filed 6/19/81	119
EXHIBIT B-7	Ex Parte Order Filed 5/9/75	120
EXHIBIT B-8	Return on Service If Not Found 5/16/75	122
EXHIBIT B-9	Order for Substituted Service - filed 6/3/75	123

		page
EXHIBIT B-10	Order for Bench Warrant no filing date	125
EXHIBIT B-11	Order for Cancellation of Bench Warrant Issued 11/23/77 Filed 6/19/81	127
EXHIBIT BB	Letter to R. Hadley 3/13/81 from H. Rollin Allen	128
VOLUME III		
TRANSCRIPT	Proceedings 1/25/82 U. S. District Court No. 81-73926	129 - 190

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT

VIRGINIA CRAMER,

Plaintiff,

No. 81-73926

VS

STATE BAR OF MICHIGAN,
H. ROLLIN ALLEN,
JOHN D. O'HAIR,
WILLIAM LEO CAHALAN,
RICHARD D. KUHN,

Defendants.

Filed in District Court by Court Reporter -G. Martin

Proceedings had in the above-entitled cause before the Honorable Ralph M. Freeman, United States District Judge, at Detroit, Michigan, on Monday, January 25, 1982.

APPEARANCES: MS. VIRGINIA CRAMER
Plaintiff, in pro per

H. ROLLIN ALLEN, ESQ.,
Appearing on behalf of
the State Bar of Mich
and in pro per

JOSEPH F. CHIESA, ESQ.
Appearing on behalf of
Defendants John D. O'Hair
and William Leo Cahalan

MS. LINDA E. WASIELEWSKI,
Appearing on behalf of
Defendant Richard D. Kuhn

TR-2

Detroit, Michigan
Monday,
January 25, 1982
9:00 a.m. * * *

- - -

THE CLERK: No. 81-73926, Virginia Cramer vs. the State Bar of Michigan, H. Rollin Allen, John D. O'Hair, William Leo Cahalan, and Richard D. Kuhn.

* * *

THE COURT: Well, let's see. I have a number of motions. I don't know which hand to start on here to count them up. There's one, two, three, four, five -- six, I believe. Maybe I have overlooked some. Are you Virginia Cramer?

MS. CRAMER: Yes, sir, I am.

* * *

TR-3 * * *

THE COURT: * * * I would think I should hear your motion first maybe. Your motion is based on judicial immunity? * * * Do you have any other grounds?

MR. CHIESA: I have a 12(b)(6) motion and a Rule 56 motion based upon a number of

grounds, including failure to state a claim, res adjudicata, judicial immunity, statute of limitations, and comity and abstention. * * *

TR-4 * * *

MS. CRAMER: Well, first, your Honor, I want to ask if you have had an opportunity to read all of the pleadings. There are a lot of them.

THE COURT: Well, I haven't read maybe all of the opinions but I have read some of them, and I have read the motions, so I am quite familiar with the problem.

MS. CRAMER: O.K. Well, the whole thing is so elementary and they have gone off into principles of comity, laches, statute of limitations and immunity and -- well, the elementary, basic, foremost, most distinguishable element here is jurisdiction.

TR-5

THE COURT: Now, wait just a minute. Maybe I should -- there's a motion filed here on behalf of another judge, Judge Kuhn.

Judge Kuhn is out in Oakland County, is he? * * *

Maybe I should hear that motion and then you can respond on those motions filed on behalf of the three judges.

MS. CRAMER: Well, just while I am here, your Honor --

THE COURT: (Interposing) I say, that is what I prefer to do. So I will hear this motion and then I will let you respond to both of those motions because they are substantially the same, aren't they?

MS. CRAMER: No. The --

THE COURT: (Interposing) Well, I think they are. Now, let me hear that motion. Then you can respond to both of these motions.

MS. WASIELEWSKI: Your Honor, my name is Linda Wasielewski.

* * *

TR-6 * * *

MS. WASIELEWSKI: I am an assistant civil counsel for Oakland County and I am representing Judge Kuhn of the Oakland County Circuit bench.

We filed a motion for summary judgment or in the alternative to dismiss the complaint, your Honor. Primarily our argument is concerned with judicial immunity, and in this particular instance Mrs. Cramer is complaining of a violation of her civil rights which arises from her arrest and detention pursuant to a bench warrant that was issued by Judge Kuhn.

I think that the difference between Judge Kuhn's argument and the other judges' in this matter centers upon whether or not Judge Kuhn had jurisdiction originally in the matter, and I have set forth, I think, in our brief the facts and the law supporting the fact that Judge Kuhn did have jurisdiction in this matter.

The cases that were before him were divorce cases. He obtained sworn testimony on the record which gave him the facts and conclusions to believe that Mrs. Cramer was practicing law without a license.

He issued an order to show cause which was served on her, in one case personally,

in the other case by an order for substituted service. Mrs. Cramer never appeared in Judge Kuhn's court on either one of those orders to show cause and those remained outstanding. There was a bench warrant issued and those remained outstanding until the date that she was brought in from Wayne County over to the Oakland County Jail awaiting an opportunity to be heard before Judge Kuhn.

TR-7 I think the Judge did have jurisdiction. That is the threshold question when determining whether or not Judge Kuhn is immune, and I believe the facts and the law support a dismissal of the complaint in this action. * * *

TR-8

MS. CRAMER: As I started to say previously, your Honor, the whole problem is so elementary and it's a question of jurisdiction, and my contention is that Judge O'Hair, Judge Cahalan in the Wayne Circuit Court was absent of jurisdiction without a remand in that same case that had termin-

ated in the Michigan Supreme Court as of December 30, 1976, and an order of remittitur was entered January 20, 1977 without a remand.

And it's so clear in the law and repeatedly without any exception or deviation where there is no remand from the case after it has gone through the appellate level and a decision is rendered, jurisdiction is not restored to the lower court. And that is the main thing as far as the Wayne Circuit Court judges are concerned with in their involvement here.

Likewise, I claim that the Oakland County Circuit Court was without jurisdiction in the matter both as to subject matter and in personam jurisdiction. The matter before Judge Kuhn was only a divorce. Nothing else. There was no complaining witness. No affidavits submitted. As a matter of fact, Miss Linda Wasielewski, who is here representing Judge Kuhn, hasn't even submitted what she refers to as sworn testimony of other

persons.

TR-9 However, this is classic hearsay, in any event. There was no notice of any hearing that was going to take place involving any activities of anyone. The only matter before Judge Kuhn in Oakland County Circuit Court was a divorce. Nothing else.

THE COURT: There were a couple divorce cases, as I understand it.

MS. CRAMER: Yes.

THE COURT: As a result of which he issued to you --

MS. CRAMER: (Interposing) Two bench warrants.

THE COURT: (Continuing) -- an order to show cause.

MS. CRAMER: Beg pardon?

THE COURT: That Judge Kuhn issued to you an order to show cause -- what was it? -- why you shouldn't be held in contempt. Was that it? For practicing law without a license? Was that it?

MS. CRAMER: No, no. As a matter of fact, these are all semantics.

THE COURT: Was was that again?

MS. CRAMER: All semantics, playing on words, enlarging the situation, manufacturing things. How shall I term it? A lawyer has one kind of a language. Everything a lawyer does he calls "prepared." -- "Prepared."

TR-10 But that's a fallacy, when a lawyer also copies forms from a published book.

* * *

THE COURT: (Interposing) Of course, I'm not here to assess the merits of the Michigan Supreme Court decision.

MS. CRAMER: O. K.

THE COURT: Your suit here is filed on constitutional gounds.

MS. CRAMER: Yes, I know, except that constitutionally I have been deprived of, ruthlessly deprived of due process. Ruthlessly these judges have violated the equal protection clause of the Fourteenth Amendment and state action is involved in exceeding or going beyond their authority, particularly in the absence of jurisdiction.

Now, those are the constitutional elements. You see, it is my understanding that the equal protection clause of the Fourteenth Amendment is not a limitation on private action. However, it is a Limitation on state action, and that's my understanding of it.

And for these officials to take it upon themselves to give themselves jurisdiction -- and say, well, they have jurisdiction -- you know, it just doesn't make any sense. Otherwise, like Judge Kuhn, for instance,
TR-11 he could give himself jurisdiction in almost any matter far away from the subject matter that was actually before him just from hearing testimony or whatever.

THE COURT: Let me ask a question. Now, as I recall, you took an appeal, did you, to the Michigan Supreme Court from the decision of Judge O'Hair --

MS. CRAMER: (Interposing) Yes. * * *

TR-12 * * * They affirmed the injunctive order but did not remand it. * * * There was no remand of the case at all

from the Michigan Supreme Court. Nothing was remanded to the lower court. Nothing. I have that decision here. As a matter of fact -- * * * it's split in four different opinions.

TR-13 * * *

MS. CHIESA: Well, basically, your Honor, briefly, I think that the Michigan Supreme Court affirmed the permanent injunctive order issued by Judge O'Hair in January of 1973.

THE COURT: But the point is made there was no remand. What --

MS. CHIESA: Well, your Honor, a permanent injunctive order is good until further order of the issuing court. The Supreme Court affirmed the validity of that permanent injunctive order.

Obviously, they couldn't speak to further proceedings brought pursuant to the injunction. They couldn't foresee in the future whether or not this injunction would be subsequently violated, whether or not a petition for order to show cause

would subsequently come before the court. The only thing they could hold was to address the validity of the injunction as issued by Judge O'Hair and contempt citations to that point in time brought thereunder.

MS. CRAMER: But the validity of the injunctive order was not addressed to the Michigan Supreme Court. I would appreciate it if you didn't mislead the Court, Mr. Chiesa. I put up with this all the time.

Your Honor, even the pleading that I got from Mr. H. Rollin Allen on Saturday is an intentional deception, an intentional deception to mislead the Court, erroneous dates and everything. I am confronted with this all the time with lawyers where the validity of an injunction in the Michigan Supreme Court was not addressed to the Michigan Supreme Court, so you are out of order in mentioning it here in this --

MS. CHIESA: (Interposing) The opinion of the court speaks for itself.

THE COURT: Now, let me say this. * * * Now wait a minute. I don't want any argument here between counsel. I want you to address the court.

MS. CRAMER: I would like to, your Honor. * * *

TR-15 O. K., your Honor, except that I have been constantly confronted with these situations where the attorneys are dealing in misrepresentations in their pleadings, and it becomes most annoying to me because this is basically the situation which I am fighting to begin with, is that there is -- to me it's total deception because, I mean, do you want somebody to lie to you? I don't want to lie to you. Why should lawyers want to lie to the Court?

* * * TR-16 * * *

Well, you see, obviously when you have listened to my opponents and they have brought out certain things, I should certainly have the opportunity -- * * * -- to challenge -- * * * -- their statements.

THE COURT: I said, go ahead.

MS. CRAMER: O. K. For instance, why hasn't Miss Wasielewski disclosed to the Court that one of those bench warrants in Oakland County Circuit Court was cancelled in November of 1977?

You see, this is the very thing that makes the situation most intolerable to me, when they withhold information and which seems to me to be intentionally deceptive, to be misleading.

And so I was arrested on two bench warrants, one of which was cancelled in November of 1977, and the arrest occurred on June 12, 1981, four -- almost -- well, three and a half years later. And if these lawyers would bring all this out, I wouldn't be in such a nervous state.

TR-17 You know, really, anyway, it's still a question of jurisdiction where I claim that the Oakland County Circuit Court had no subject matter jurisdiction with the divorce matter before it; classic hearsay on so-called sworn testimony that they're not even willing to submit the transcript

on, and I wish that they would.

It's very upsetting to me, your Honor, too, and I can understand how you can get upset, too, and you can yell at me, but please don't find me in contempt of court for blinking an eye.

This is the situation that I have had to put up with repeatedly: semantics, dealing in legal language that just does not apply. * * *

It's a matter of jurisdiction, state action involved, and in the absence of jurisdiction. What else can I say? I mean --

THE COURT: What is the state action?

TR-18

MS. CRAMER: State action is an exertion of power.

THE COURT: Wait a minute. Who --

MS. CRAMER: (Interposing) An action that goes beyond authority. * * *

I am claiming that state action is involved in my petition for amended or my motion for amended petition on removal,

that I thought that would be clear to the Court because if the Court would please review the pleadings where you will see that any official that acts without authority or without jurisdiction -- it can be termed as state action. They can claim that it's an official act but without jurisdiction --

THE COURT: (Interposing) Let's talk about your own motions now.

MS. CRAMER: Beg your pardon?

THE COURT: I thought you would address only the motions made on behalf of the three judges. That's what I though we were talking about.

MS. CRAMER: Well, am I being denied equal protection of the law here in this Court, too, your Honor?

TR-19

THE COURT: No, I'm going to listen to your motions. I'm going to listen to your own motions, but I wanted you to talk about the issues on the motions filed on behalf of the three judges first.

MS. CRAMER: For dismissal and summary judgment?

THE COURT: Yes, for dismissal and summary judgment as to the judges.

MS. CRAMER: Where there's a dispute of issues, a dispute as to facts and dispute as to law, they're not entitled to dismissal or a summary judgment. The court, the Oakland County Circuit Court had no jurisdiction. What do you want me to do? Go through the pleadings? As to Judge Kuhn, for instance? In regard to contempt comitted outside the view of the Court?

Judge Kuhn's counsel cited "In Re Albert" as an applicable case, which is not applicable at all.

In the first place, "Albert" was a lawyer. The court has summary jurisdiction over all lawyers. The court can issue an order to show cause against a lawyer without any prior pleadings, like a complant and a summons and so forth, and because lawyers are subject to summary jurisdiction of the court.

TR- 20 So "In Re Albert" is not applicable for whatever, and I have cited In the Matter of the Contempt of Evelyn Mason. O. K., Mason was not a lawyer, and the court in that case, the Michigan Court of Appeals held that any proceeding to charge a contempt not committed in the presence of the court must be initiated by an affidavit of the person witnessing or having personal knowledge of the acts charged unless the affidavit requirement is waived.

So here, for instance, we have a judge sitting on the bench who is listening to testimony about a divorce, and then he goes into some kind of interrogation of the person who is seeking only a divorce. He interrogates that person about Virginia Cramer because Virginia Cramer's name appears as a notary on the papers, and that's all.

So the judge draws conclusions and assumes jurisdiction and -- bang! bang! bang! bang! -- he's ready to go with the

hatchet, gung ho, or get the possee commitatus after Virginia Cramer or the whole Bar Association after Virginia Cramer and hang her by the neck until she's dead. That's the attitude that some judges have taken.

THE COURT: Well, don't talk quite so loud and I can hear you better.

TR-21
MS. CRAMER: Well, I have heard the lawyers talking loud in this case and I have had --

THE COURT: (Interposing) I don't care if you have. I tell the lawyers the same thing.

MS. CRAMER: Well, I can appreciate that, your Honor, except I really thought you were hard of hearing.

THE COURT: Beg pardon?

MS. CRAMER: I thought you were hard of hearing.

THE COURT: I am, but you don't need to shout.

MS. CRAMER: Well, sir, I don't know whether you are going to hear me or not.

THE COURT: Obviously, you kept raising your voice, so you were agitated --

MS. CRAMER: Well, I wanted to make a point on

or how prejudicial --

THE COURT: (interposing) You can make your point.

MS. CRAMER: (Continuing) -- how highly prejudicial some of the judges have been.

THE COURT: Beg pardon?

MS. CRAMER: I just wanted to make it a point so that you would understand how highly prejudicial some of the judges have been on this issue of people representing themselves on a simple uncontested divorce matter.

TR-22 In any event, and there is a Michigan General Court Rule 760.1, which allows initiation of proceedings applicable after a judgment has been rendered.

In the case of Judge Kuhn, there was no judgment in his court in any case regarding Virginia Cramer or even in a divorce matter, and yet he probably resorted to that provision of MGCR 760.1.

It's illegal. It was totally illegal.

THE COURT: Yes, you have made that point several times but you didn't tell me why.

That's what I'm interested in.

MS. CRAMER: The judge is sitting up on the bench as the complaining witness himself. He's the initiator of the action himself, based on classic hearsay testimony, not in the presence of the person whom he is accusing of giving legal advice.

I don't give any kind of advice to anybody. I ask them to use their own judgment if they can, and, if they can't, they had better learn how.

So here's a judge --

THE COURT: (Interposing) Did you appear before Judge Kuhn?

MS. CRAMER: Never. Never. Never. * * *

TR-23 * * *

THE COURT: (Interposing) Wait a minute. I'm trying to ask you a question. Did you get a copy of the order to show cause?

MS. CRAMER: I was not served with the order to show cause. I sent a messenger into the Oakland County Circuit Court to obtain a copy of whatever was transpiring because I heard of it priorly, way back in 1975.

I sent a runner into the -- a messenger into the Oakland County Circuit Court, where the records were not in the record room.

That particular person that I sent as a messenger went to Judge Kuhn's courtroom and asked to see a particular file and was confronted by Judge Kuhn regarding those very circumstances that all this person wanted to see was the public records, and Judge Kuhn jailed that messenger whom I sent -- (crying).

TR-24 Gee, we've got a dictatorship going in Oakland County. * * *

I didn't think that a dictatorship was legal in this country.

THE COURT: What dictatorship are you talking about?

MS. CRAMER: Judge Kuhn, a dictatorship. * * * So he himself is the only complaining witness, based on classic hearsay. I was not given any opportunity, any notice, that he was going to have any kind of hearing, interrogating the witness about

Virginia Cramer. No notice whatsoever.

TR-25 So he's the complaining witness. He's the finder of fact, based on his own conclusions, which are erroneous --

THE COURT: (Interposing) Let me ask you this: Why did you send someone into the Oakland County court to find out about this?

MS. CRAMER: O. K. I'll tell you this. And if we have time -- * * *

Yes, but in order for you to get a clear picture of what was occurring at that time, I have to describe it as it was described to me also. * * *

O. K. So there were about seven government behicles -- I live in Dearborn Heights.

TR-26 Maybe two of them were Dearborn Heights police vehicles, and the others, I think, were from Oakland County, probably the Oakland County Sheriff's office. And so pouring out of these vehicles are both uniformed officers and plainclothes, surrounding my house. I think there was one policewoman there. One of the detect-

ives from Dearborn Heights I recognized because I have lived there about twenty years.

So they surrounded my house and put on a big show, probably to embarrass me because I considered it as some kind of a waste of taxpayers' money. So it was both offensive and yet at the same time if they were going to be like kids on Hallowe'en, well, I could look at it that way, too.

So one of the officers, waving a paper, making a big spectacle, loud talking -- all they lacked was a bullhorn -- my house is surrounded. I talked to them through the screen door or the storm door. They didn't say anything about wanting to give me any paper but waving a paper. I said, "What have you got there? Hold it still so I can read it." And they still wouldn't hold it still, just kept waving it.

And this went on with some other remarks and innuendos, say, for about half an hour.

Then finally one of the officers -- I think it was one of the detectives from the Dearborn Heights -- said "Come on, guys, let's go. I think we've got a Mexican standoff here."

And they left.

THE COURT: Didn't they offer to hand you some papers?

MS. CRAMER: No, they didn't offer to hand me any papers. Nothing was ever tacked on my door. I was never served personally with any kind of an order to show cause out of the Oakland County Circuit Court. Never. And I would challenge whatever they think that they have --

THE COURT: (Interposing) * * * In reading through these papers and pleadings in this matter, I thought I read something to the effect that there was substituted service made by the judge in the Oakland County matter.

MS. CRAMER: There was no substituted service, your Honor.

THE COURT: You didn't get anything in the mail or otherwise?

MS. CRAMER: No, I didn't. If they had sent anything in the mail, truly, they would have sent it by certified mail where I would have to sign for it. They have nothing to produce except the thing that they are claiming by a Corporal -- Cpl. -- what is it? Vita? Miss Wasielewski? I don't know the name.

TR-28 * * *

But who signs their name "Corporal Vita"? That would be just like you signing your name "Judge Freeman." I'm sure you sign your name "Ralph M. Freeman." So why shouldn't a corporal sign their name with a proper name? To me it all looks like a -- like a -- some of the records have been misrepresented. Misrepresented.

I was never served, never served with any kind of -- any kind of a paper out of Oakland County. Never served. And the only way I obtained any knowledge of it was after my messenger got out of jail,

after Judge Kuhn jailed this Mr. Jack Rose, then I gound out what it was all about. And I even filed a grievance against Judge Kuhn with the Judicial Tenure Commission, and that was Grievance No. 519, and I think it was dated in April and -- * * *

Tr-29 I just wanted you to get a picture of what was occurring. * * *

So whatever the matter was before Judge Kuhn, he had no jurisdiction over Virginia Cramer. It was not a contempt committed in the immediate view or presence of the Court. Couldn't have been. I wasn't even present in his courtroom.

To tell you frankly, your Honor, if he would have been courteous and called me on the telephone or had his secretary telephone me or whatever and asked me to come down there, I would have gone, willingly. You see? * * *

So, in any event, the use of that Rule 760.1 of MGCR 1963 did not give the Judge

authority to initiate a proceeding.

The elementary, basic way, and the only way of obtaining jurisdiction is by issuance of summons. And I cited the case of DeKuyper vs. DeKuyper, which subsequently, in 1976, I had even written a letter to Judge Kuhn and also to Sheriff Johannes Spreen and Brooks Patterson citing --

TR-30

THE COURT: I'm trying to ask you a question. Did Judge Kuhn hold you in contempt of court on that order to show cause? * * *

MS. CRAMER: There are so many papers, I can't keep track of everything.

Yes. Yes, he did. * * *

It says, or one of them says, "It appears from her testimony," meaning the do-it-yourself divorcer, "has been engaged in the unauthorized practice of law. It is hereby ordered that Virginia Cramer appear before this Court" -- * * * -- the date -- "and show cause, if any she have, why she should not be punished for the contemptuous acts" --

Yes, yes.

THE COURT: You were arrested, were you, on the order of Judge Kuhn on the --

TR-31
MS. CRAMER: (Interposing) On June 12, 1981.

THE COURT: All right. You were.

MS. CRAMER: More than four years later the --

THE COURT: (Interposing) Did you take an appeal to the Michigan courts on this?

MS. CRAMER: I have no right of appeal on this.

THE COURT: You don't, you say?

MS. CRAMER: No, no right of appeal, your Honor.

THE COURT: Why not?

MS. CRAMER: In the state courts, if I am claiming that the circuit court judge had no jurisdiction to --

THE COURT: (Interposing) Wouldn't that be a basis for appeal to the Michigan court?

MS. CRAMER: Well, but, I mean, that's just like stepping on a cockroach and saying, "O. K., now you can appeal." But the cockroach is dead. The cockroach has already been put in jail. It's a moot

question as far as the state --

THE COURT: (Interposing) Well, he let you out of jail, didn't he?

MS. CRAMER: Beg your pardon?

THE COURT: Didn't Judge Kuhn let you out of jail?

TR-32

MS. CRAMER: No.

THE COURT: I don't know if this motion -- you were jailed over the weekend, were you?

MS. CRAMER: That's right, and in violation of a Michigan statute where I was to be taken before the judge forthwith, and the sheriff's deputy said forthwith was Monday and here it was Friday. * * *

And as long as I was here on Tuesday that forthwith would still be Monday.

THE COURT: Wait a minute. I'm trying to ask you something, please, but you keep right on talking.

MS. CRAMER: I thought I was here on oral argument --

THE COURT: (Interposing) You are, but you're going to listen to me.

TR-33

MS. CRAMER: Maybe.

THE COURT: Now, my question --

MS. CRAMER: Maybe.

THE COURT: Beg your pardon?

MS. CRAMER: Maybe.

THE COURT: Do you have anything further you want to address the Court on these motions?

MS. CRAMER: Yes, if you will give me a chance. If you're not going to give me a chance, then for God's sake, just say so.

THE COURT: Do you have anything more you want to say about these motions?

MS. CRAMER: Yes.

THE COURT: Well, go ahead.

MS. CRAMER: Not if you're going to continually interrupt me, too.

THE COURT: All right. I reserve the right to interrupt any attorney in an oral argument. Now, if you are offended by that, then you will just have to live with it. I've been trying to steer you along to the issues raised by the motions and not talk about extraneous matters.

MS. CRAMER: I thought you had read the plead-

ings.

TR-34

THE COURT: I have.

MS. CRAMER: Goody.

THE COURT: Now, you're sobbing again.

MS. CRAMER: No, I'm not. I'm angry.

THE COURT: Well, you're making noises like you were.

MS. CRAMER: I'm angry.

THE COURT: And I wish you wouldn't do that. If you want a few minutes to regain your composure, I'll give it to you.

MS. CRAMER: Thank you. * * * I'll step out in the hall.

THE COURT: Take a recess. (A recess was taken)

— — —

THE COURT: All right, Mrs. Cramer, I'll give you about five more minutes. I've already allowed you thirty-five minutes to address the Court with respect to the motions on the judges, and that's all we're talking about right now, and we took a recess, so you have been talking thirty-five minutes already in opposition to those motions.

I'll give you five more minutes.

TR-35

MS. CRAMER: Your Honor, may I ask the Court to enter this order for cancellation of bench warrant dated November 23, 1977.

THE COURT: What is this? What do you have here?

MS. CRAMER: Order for a cancellation of bench warrant issued by Richard D. Kuhn in the Oakland County Circuit Court on November 23, 1977, which Miss Wasielewski has neglected --

THE COURT: (Interposing) Let me see what you have here.

MS. CRAMER: May I enter it as an exhibit? Would anybody like to see this? I mean, are we going by proper procedure or not?

MS. WASIELEWSKI: I have no objection, your Honor.

THE COURT: She has no objection. All right.

MS. CRAMER: She knew about it all the time.

* * *

MS. CRAMER: All right. There is one significant case that --

THE COURT: (Interposing) Beg pardon?

TR-36

MS. CRAMER: Your Honor, if I don't talk loud you can't hear me, and then you object when I talk loud.

THE COURT: I wish you wouldn't bait me, please.

MS. CRAMER: Well, it's very frustrating to me.

THE COURT: You go right ahead. I haven't said anything to you one way or the other. You go right ahead and address the Court, but I wish you would avoid these emotional outbursts.

MS. CRAMER: But it's so frustrating to me. I don't know whether you can hear me unless I shout and then you object when I shout. What am I to do?

THE COURT: Go ahead.

MS. CRAMER: One significant case, Harper vs. Merkle -- I have discussed it in my pleadings -- where a judge could not claim absolute immunity. Illegality had to be proven on a 1983 act against, or 1983 action against this judge.

The crucial thing in that case, which is very similar to the instant case, is that the judge was the complaining witness,

finder of fact, other things, and judge, so that he was acting beyond his authority. And the United States Court of Appeals found that he could not claim judicial immunity where the judge claimed that he was acting as a conservator of the peace.

TR-37 Similarly, in the instant case, is Judge Kuhn sitting on the bench, probably reading newspapers about much publicity regarding do-it-yourself divorce and Virginia Cramer and interrogating the witness on the stand who was seeking a divorce when he is acting as interrogator, interviewer, finder of inferences, twister of facts, violator of due process, violator of the Fourteenth Amendment equal protection clause, and a highly prejudicial judge, among other things, and slam-bangs on an order to show cause.

He had no authority. No one made any request to him to issue. There was no affidavit, no complaining witness, and I think that's what irks a lot of lawyers

is that -- information has come back to me where actually lawyers have solicited for someone that had any dealings with Virginia Cramer just so they would have a complaining witness against Virginia Cramer, and they have been unable to find anybody. And I think that that is -- that makes many members of the legal profession irked.

TR-38 So that in this case of Harper vs. Merkle, there was no judicial immunity. The judge had acted out of personal motivation, used his judicial office as an offensive weapon, so instead of just being an impartial, unbiased, fair judge, and similarly to Judge Kuhn, he did more. And in doing more, it was illegal.

I have that case here.

THE COURT: Your five minutes is up. I will hear -- does the moving parties, counsel for the judges, care to respond to the arguments made here?

MR. CHIESA: Nothing further, your Honor.

THE COURT: Beg pardon?

MR. CHIESA: Nothing further.

THE COURT: And Miss Wasielewski?

MS. WASIELEWSKI: Yes, your Honor, I would like to make one comment.

Mrs. Cramer indicated to the Court that she had not received any of the orders that Judge Kuhn issued. She alleges she did not receive those orders to show cause.

Together with my brief I attached certified copies of every single pleading in those two cases -- that is, Horn vs Horn and Seaholm vs Seaholm -- that were applicable to this case, and I believe that court orders speak for themselves.

TR-39

THE COURT: Well, now, there has been submitted to the Court an order for cancellation of a bench warrant issued by Judge Kuhn that's dated November 23, 1977, and why was that entered? Do you know what the purpose of that was?

MS. WASIELEWSKI: Your Honor, I don't. I spoke to Judge Kuhn and he honestly could not give me a good reason why there was a

cancellation for that particular case and not for the other one. However, there was an outstanding --

THE COURT: (Interposing) That was in the divorce case.

MS. WASIELEWSKI: Yes, your Honor.

THE COURT: Horn vs. Horn.

MS. WASIELEWSKI: That's the Horn case. In the Seaholm case, which has similar facts -- in other words, that an order to show cause was issued, was served, she did not appear, and a Bench Warrant was issued. That remained outstanding, and it remained outstanding until the time that she was picked up on the bench warrant and taken to the Oakland County Jail awaiting the first opportunity for Judge Kuhn --

THE COURT: (Interposing) Well, was Miss Cramer arrested after this bench warrant was cancelled?

TR-40

MS. WASIELEWSKI: Yes, your Honor.

THE COURT: After the bench warrant in the Horn case was cancelled?

MS. WASIELEWSKI: Yes, your Honor. There was an outstanding bench warrant on the Seaholm vs. Seaholm divorce case.

MS. CRAMER: Your Honor, they were both outstanding. They both appeared on my vehicle operator's license. They were both outstanding. * * * And that was confirmed, * * *

THE COURT: Now, just a minute. I am addressing Mrs. Wasielewski. Is there anything further?

MS. WASIELEWSKI: No, your Honor, I stand on the arguments and the brief.

THE COURT: All right. Now, I will take these motions under advisement. That's the motions of the three judges, and I will issue a memorandum with respect to these. Now, that's three of the six motions, is it? Or -- were motions filed, motion for summary judgment or motion to dismiss on behalf of each of the three judges?

TR-41

MR. CHIESA: Your Honor, my motion was filed on behalf of both Judge O'Hair and Judge Cahalan.

THE COURT: Well, the list of motions before me doesn't indicate just quite which is which here. Now, there are other motions --

(The Court and the law clerk conferred privately.)

THE COURT: Well, I have several other motions. Are you Mr. Allen?

MR. ALLEN: Yes, your Honor.

THE COURT: You are here representing yourself and the State Bar of Michigan?

MR. ALLEN: Yes, Your Honor.

THE COURT: All right. Now, which motion are you interested in?

MR. ALLEN: We filed a motion for the entry of an order remanding the case to the state court. * * * That was one. We also filed a motion on behalf of the State Bar of Michigan and myself for the entry of an order of dismissal or, in the alternative for a summary judgment.

TR-42

THE COURT: Well, I think, then, I might as well hear your motions. Are you ready to proceed?

MR. ALLEN: Your Honor, we will stand on our brief and our motion itself.

THE COURT: You don't care to present oral argument?

MR. ALLEN: No, I don't think it's necessary.

THE COURT: All right. Mrs. Cramer, do you care to respond or do you stand on your responses?

MS. CRAMER: Well, I don't quite understand, you know, about standing on the responses and everything because --

* * *

THE COURT: But most usually I give attorneys and even people who represent themselves an opportunity to orally argue as long as they keep it within reasonable bounds, and Mr. Allen has said he will stand on his motion and brief. Do you care to make oral arguments on his motion?

TR-43

MS. CRAMER: Procedurally, your Honor, Mr. Allen is in default.

THE COURT: He what?

MS. CRAMER: Mr. Allen is in default. Mr. H. Rollin Allen individiaully is in default.

A default, an affidavit of default was filed against him for failure to plead a defense timely within --

THE COURT: (Interposing) Yes, I remember something about that.

MS. CRAMER: Yes. And he claims also immunity for himself. Where I have cited the case in other pleadings, Smyth, S-m-y-t-h, vs. Lubbers, L-u-b-b-e-r-s, and in that case -- and I think it was out of the Sixth Circuit, which would be this same territory --

THE COURT: (Interposing) Do you care to argue the motion to remand? * * *

No, to remand the matter to the other court. You removed or attempted to remove the state action to this Court, did you? You had a removal proceeding.

MS. CRAMER: An ex parte removal, yes. The procedure is all ex parte removal. It is removed --

TR-44

THE COURT: (Interposing) Yes.

MS. CRAMER: (Continuing) -- unless it's remanded. But right now it's removed.

THE COURT: But now I have a motion before me to remand it. Do you want to argue that?

MS. CRAMER: Well, your're going to be remanding it to a court that acted illegally, that acted without jurisdiction. I know there's a provision, your Honor, where -- let me think a minute -- where the state court did not have jurisdiction the case cannot be removed into the federal court. However, my claim is that it is not ancillary to the state court case. It may be termed as supplementary to the state court case, but adding additional parties and different causes of action based on the claim that the state court acted illegally, that the Wayne Circuit Court judiciary acted illegally, without jurisdiction, so the cause of action is false arrest, false imprisonment, under the provisions of the Civil Rights Act, 42 USC 1983, and it all ties in with just that very elementary basis of jurisdiction where the state case --

THE COURT: (Interposing) Are you arguing --

MS. CRAMER: (Continuing) -- was terminated in the Michigan Supreme Court.

TR-45

THE COURT: Are you using that argument against the State Bar and Mr. Allen, where you are talking about false arrest?

MS. CRAMER: Yes.

THE COURT: Did they cause you to be falsely arrested or falsely imprisoned?

MS. CRAMER: Well, what the cause was -- I don't have a crystal ball.

THE COURT: Are you charging them with that?

MS. CRAMER: I'm charging them with being part of the plot in arranging this false --

THE COURT: (Interposing) Have you alleged that? Have you alleged that?

MS. CRAMER: Yes, I have.

THE COURT: In your complaint?

MS. CRAMER: In my pleadings and in my argument, and I cited the case of Aikens vs. Wisconsin where the United States Supreme Court has said that the -- pardon me -- the defendants who were convicted claimed that motive was not a proper element to

bring before the court and where Justice Holmes disagreed and said that no conduct has such an absolute privilege.

And I will stand on my brief in -- you know, on whatever. I have enlarged on that -- well, whatever. You said you would give me five minutes and then I get frustrated when I think I'm imposing and taking too much time, but, however, if others are going to stand on their brief, then, I will do likewise.

TR-46
THE COURT: All right, you can. Then I will take those motions under advisement.

MS. CRAMER: I have -- just a moment, sir, your Honor. I have a case here -- you see, I'm -- of course, you know I'm not a lawyer. I don't have to draw that to your attention. But I find a lot of conflicting things from case to case to case to case, and I don't know whether it depends on who the judge is or anything.

I understand that and from reading this case, a federal court of equity will not enjoin state prosecution except in unusual

cases where irreparable harm will otherwise result. And I think your Honor wrote that decision himself. And although it's a case that was remanded back to the state court, however, it dealt with picketers, you know, in a civil rights matter, picketers and situations where there was violence with the police and so on.

That case was People of the State of Michigan vs. Barnard and a whole slew of defendants.

* * *

Tr-47 * * *

MS. CRAMER: I just wanted to draw to the Court's attention that there is irreparable harm in this instant case in which I am ordered to pay money to a person who doesn't even want it and didn't request it and sought no such relief of the Court, and yet they want to throw me in jail for not paying the money that this witness doesn't want and didn't ask for.

THE COURT: All right. Now, then, that motion will be taken under advisement, and then we have next a motion -- you have a motion

-- you have three more motions, I think.

* * *

You have three motions yet to be heard. Now, let me list them so I can see if you agree with your motions. You have a motion to amend the petition for removal in the state case.

TR-48

MS. CRAMER: To enlarge on the grounds of removal.

THE COURT: Is that motion opposed or -- .

MS. CRAMER: No. There were no pleadings filed in opposition to it.

THE COURT: Well, I would like to know the position of the State Bar and Mr. Allen.

MR. ALLEN: I'm not sure that I understood the motion, your Honor.

THE COURT: Beg pardon?

MR. ALLEN: I'm not sure I understood her motion.

MS. CRAMER: It's a motion to amend the petition for removal --

THE COURT: (Interposing) I have it listed that way. It's a motion, I think, entitled -- is that one of your motions?

MS. CRAMER: Yes.

THE COURT: It's a motion to amend the petition for removal.

MS. CRAMER: Well, I am just enlarging on the grounds, see.

THE COURT: All right. Would that be relevant to the motion to remand? It would be, probably, wouldn't it.

TR-49

MR. ALLEN: Your Honor, I don't know what she meant by a motion to amend petition for removal of state case. I don't know what she means by that and I didn't answer it.

MS. CRAMER: Well, I found it in West's book of forms and it must be a usual procedure.

THE COURT: Suppose we leave that and I will consider that on the petition and the brief, your brief.

MS. CRAMER: Well, the thing of it is when I first prepared that, the original petition for removal with my complaint, I was in such a rush, and I thought possibly that I may not have made it clear to the court on my grounds for removal and that state

action was involved.

THE COURT: All right. Well, now, I will consider that --

MS. CRAMER: (Interposing) And additional parties and it was not ancillary to the State case.

THE COURT: I will consider that motion in connection with the motion of the State Bar and Mr. Allen to remand. I will consider your motion to amend your petition in connection with that motion to remand. Is that agreeable?

MS. CRAMER: Yes, sir.

THE COURT: That will be taken under advisement.

All right, now we have your motion, Miss Cramer, for entry of default against Allen, I think. Is that right?

TR-50

MS. CRAMER: That's right.

THE COURT: All right, proceed. * * *

MS. CRAMER: Well, I filed the motion and affidavit in support of default based on the time element that was involved where Mr. Allen had been served on October 22,

1981 and had failed to respond within the twenty-day period allowable, so I filed the default against Mr. Allen individually.

THE COURT: What about the State Bar? Did you take a default against the State Bar?

MS. CRAMER: No, I didn't here, your Honor. You see, the reason I was in such a rush in preparing the pleadings is that on an emergency matter -- * * *

TR-51 * * *

I was scheduled to go to the state of California on an emergency matter, which I did, and then I got back sooner than I had anticipated because of this case, and where I had relied on someone else to handle the serving of the papers, after October 22, then where the sheriff's office could not serve the Bar Association here or at least they refused to take the papers, the Detroit office of the Bar Association, and said that the papers would have to be served on the State Bar in Lansing.

* * *

THE COURT: Your motion here is for entry of default against Mr. Allen?

MS. CRAMER: Yes, sir.

THE COURT: Not the State Bar?

MS. CRAMER: Not the State Bar.

THE COURT: All right. Let's forget the State Bar.

TR-52

MS. CRAMER: Well, I wanted to explain the time, you know --

THE COURT: (Interposing) Do you want to address the Court on your motion for default against Allen or do you want to leave that to be decided by the Court on your motion and brief?

MS. CRAMER: Well, I take exception to Mr. Allen tacking himself on individually with the State Bar pleadings where he's representing the State Bar and also as an individual defendant, and after he was in default and after the default was filed, that he tacked his name onto the State Bar pleadings. And, incidentally, I got more pleadings late Saturday afternoon, just

this past Saturday, January 23, 1982, and because of the ice situation I couldn't even get to the law library on Sunday, yesterday, and I don't think his pleading is proper. I think he is erroneously claiming immunity.

THE COURT: Let me ask you this: Would you like an opportunity to file a brief in opposition to that?

MS. CRAMER: Well, if your Honor thinks that it would be O. K., I would like to do that.

THE COURT: All right. How long would you want?

MS. CRAMER: Well, a week might do.

THE COURT: All right, I will give you a week.

TR-53

MS. CRAMER: And if I can submit --

THE COURT: (Interposing) I say, I will give you a week to file a response to that motion.

MS. CRAMER: O. K. Thank you very much, your Honor.

THE COURT: And then that will leave -- then I will consider that motion on the briefs.

That is the motion for default against Allen.

MS. CRAMER: Yes.

THE COURT: Then we have one more motion, as I see it, your motion, Mrs. Cramer, for an order to show cause why a temporary enjoining order and why a preliminary and/or permanent injunctive order should not issue. Do you care to address the Court on that motion, your motion for a temporary injunction?

MS. CRAMER: Well, it all ties in with the nature of the case and where -- I'm not engaged in the unauthorized practice of law. I just see an area where the court system can be improved greatly and that a change in this system is so badly needed for the benefit of the public as well as the taxpayers, and I think that the interests of the general public should be foremost in any event, and I believe that it is invalid for the courts to protect lawyers.

TR-54 And, if I may, your Honor, before I leave here today, if I may leave a couple

of transcripts that occurred in the Wayne Circuit Court where individual persons seeking to exercise their guaranteed constitutional right of self-representation were mistreated terribly and --

THE COURT: (Interposing) Well, are you talking about this case or some other case?

MS. CRAMER: It's part of the case.

* * *

MS. CRAMER: It's part of the case. It's part of the injunctive relief that I am asking for.

THE COURT: Well, you may leave them and I will look at them.

TR-55 What is the injunctive relief you're asking?

MS. CRAMER: * * * Well, I can't recite it from the top of my head here. Just a moment. You know, there's so many papers in this * * * just a moment.

THE COURT: Well, let me read it for you. I had it just handed up to me.

You are asking the Court to stop the State Bar from harassing, annoying, molest-

ing, and so forth, interferring with the trade and business of persons exercising their constitutional rights of self-help and self-representation and denying or preventing access to information, forms, documents, and so forth, of individuals seeking to exercise their constitutional right to self-representation in the courts of Michigan, and so on. You've got another six grounds, six things you want to enjoin.

MS. CRAMER: Well, yes, your Honor, because the -- the whole gist of it is that certain members of the general public are being misled as to their guaranteed constitutional right of self-representation where individual lawyers by the hundreds have told people that it's illegal for them to represent themselves. I kid you not. They have said that the divorce would be illegal if they tried to represent themselves in an uncontested matter.

TR-56

THE COURT: Have they been told that? I say, has anyone been told that they can't

represent themselves in the State courts?

MS. CRAMER: Well, yes, they have been told --

THE COURT: (Interposing) Who? What court has told what person that?

* * *

MS. CRAMER: O. K. That ties in with a couple of transcripts that I bought or brought down copies where after the do-it-yourselfer representing herself (or himself) had completed the testimony and given -- and made a proper presentation and with the reasons for a divorce and everything, the divorce was denied and she was referred to the Bar Association to get a lawyer.

THE COURT: Wait a minute, please. Are you here on behalf of some other persons?

TR-57

MS. CRAMER: No. I know I can't represent anyone. I cannot. I am here -- * * * I am here representing myself --

THE COURT: (Interposing) What's the purpose of your asking this Court for a temporary injunction, then?

MS. CRAMER: The property interests. People

that come to me who handle their own divorce need certain particular paperwork in order to accomplish in obtaining a divorce. It's the trade and business, actually. It should be --

Oh, you can't hear me.

THE COURT: Oh, yes, I can. Please don't put words in my mouth.

MS. CRAMER: It should be set up as a county function right in the county clerk's office. There should be a self-help divorce counter installed in the county clerk's office right next to the marriage license counter. A reasonable fee should be charged in addition to the statutory filing fees where people would have access to the court without being abused and exploited by the --

THE COURT: (Interposing) Mrs. Cramer, please. I'm not going to listen to that. That has nothing to do with any issue in this case. Please go on to something else.

TR-58

MS. CRAMER: Well, that's the only reason I'm

doing it. I'm not doing it for self-interest.

THE COURT: You're not?

MS. CRAMER: No.

THE COURT: You are here seeking help for some other people, is that it?

MS. CRAMER: No. I can't represent them.

THE COURT: Well, what do you want, then?

MS. CRAMER: Well, an injunctive order against the Bar Association.

THE COURT: Enjoining them from doing what?

MS. CRAMER: Enjoining them from interferring with the trade and business of persons exercising their constitutional guaranteed right of self-representation so that they are not forced to hire a lawyer.

There's a case out of the U. S. Supreme Court, Faretta vs. California, 1975 -- I don't have the number of the volume -- but in that case, which was a criminal matter where counsel was appointed for the defendant, for the accused, over his objections, over the accused's objections -- the accused did not want to be represented

by counsel and yet obviously it was imposed on him, that he had a right to counsel, which is, say, under the Sixth Amendment of the U. S. Constitution, but over the accused's objections he had to have counsel, which he objected to. And then I suppose --

THE COURT: (Interposing) I don't think that's relevant to the issue here.

MS. CRAMER: It is. If you read the case, it is relevant.

THE COURT: All right. I'm not going to read it. You have told me enough about it and I don't see its relevance to this case. Do you have something else?

MS. CRAMER: Well, it amounts to self-representation, which is what I am doing also.

THE COURT: You can represent yourself.

MS. CRAMER: I know.

THE COURT: Nobody is preventing you from doing that.

MS. CRAMER: But I am also representing property rights and interests here.

THE COURT: Whose property rights and interests?

TR-60

MS. CRAMER: Just like any business.

THE COURT: I say, whose property rights and interests are you representing?

MS. CRAMER: Mine. Mine.

THE COURT: Are you representing any others? Are you representing property rights and interests of any other persons?

MS. CRAMER: Well, I would have to toss that around in my head to answer that. * * * I don't have an answer right quick like that.

THE COURT: All right. Is there anything else on this motion? I have the motion. Did you file a brief in support of this motion, this motion for a temporary injunction? Did you file a brief?

MS. CRAMER: No, not really, your Honor. You mean as to --

THE COURT: (Interposing) I don't know why they would file it because they're not supposed to accept any motions without a brief attached.

MS. CRAMER: No. It was filed all at the same time on October 21, 1981, with the comp-

laint, with the motion for injunctive relief and for declaratory judgment and --

THE COURT: (Interposing) Have you covered this -- when you get rhough talking, may I ask a question? Have you covered this motion in any other brief you filed?

TR-61

MS. CRAMER: For the injunctive relief? * * * To be perfectly frank, I don't think so. * * * May I submit something?

THE COURT: Yes, I'll give you a week. * * * Let me hear from counsel for the defendant. * * * Mr. Allen, do you care to respond?

MS. ALLEN: Nothing, your Honor.

THE COURT: Beg pardon?

MR. ALLEN: There has been nothing said that would warrant any additional response to --

THE COURT: (Interposing) I'll give you one week to answer any brief that Miss Cramer may file.

MR. ALLEN: Thank you.

THE COURT: One week after you receive her brief.

MR. ALLEN: Thank you.

THE COURT: All right. These matters will be considered submitted on that basis.

Court will be in recess.

(At about 12:20 p.m., the hearing in this matter was concluded.)

- - - - - - - - - -

Office - Supreme Court, U.S.
FILED
APR 30 1984
ALEXANDER L. STEVAS
CLERK

No. 83-1588

IN THE

Supreme Court of the United States

October Term, 1983

VIRGINIA CRAMER,

Petitioner,

v.

STATE BAR OF MICHIGAN, JOHN D. O'HAIR, WILLIAM LEO CAHALAN, RICHARD D. KUHN, H. ROLLIN ALLEN, and All Members of the State Bar of Michigan similarly situated,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

BRIEF AND APPENDIX IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

OAKLAND COUNTY
CORPORATION COUNSEL
By: LINDA E. WASIELEWSKI
Senior Assistant
1200 North Telegraph Road
Pontiac, Michigan 48053
(313) 858-0553

Attorney for
Richard D. Kuhn, Respondent

Interstate Brief & Record Co., Suite 731, David Whitney Building, Detroit, MI 48226
(313) 962-8745

ISSUE PRESENTED

THE INSTANT CAUSE FAILS TO PRESENT A SUBSTANTIAL FEDERAL QUESTION, AS THE DECISIONS BELOW ARE BASED UPON THE DOCTRINE OF JUDICIAL IMMUNITY FROM SUIT FOR ACTIONS TAKEN IN OFFICIAL JUDICIAL CAPACITY, IN ACCORDANCE WITH PREVIOUS DECISIONS OF THIS COURT.

TABLE OF CONTENTS

	Page
Issue Presented	i
Table of Authorities	iv
Citations to Judgments and Opinions Below	1
Statutory and Constitutional Provisions Cited	2
Statement of Facts	4
Summary of Argument	6
Argument	8
Conclusion	15
Appendix:	
Oakland County Circuit Court Order: April 4, 1975	A-1
Oakland County Circuit Court Order: April 9, 1975	A-3
Oakland County Circuit Court Order: May 8, 1975	A-4
Oakland County Circuit Court Order: May 16, 1975	A-6
Oakland County Circuit Court Order: July 24, 1975	A-7
United States District Court Opinion: June 30, 1982	A-8
United States District Court Order: July 20, 1982	A-20
United States District Court Opinion: October 8, 1982	A-21
United States District Court Order: October 21, 1982	A-23
United States Court of Appeals Order: December 29, 1983	A-24

TABLE OF AUTHORITIES

Page

Cases:

Alzua v. *Johnson*, 231 U.S. 106, 34 S. Ct. 27 (1913) 9

Bradley v. *Fisher*, 13 Wall. 335, 80 U.S. 335 (1872) 7-10, 13, 14

Crowe v. *Lucas*, 595 F.2d 985 (5th Cir. 1979) 10

Horn v. *Horn*, Oakland County Circuit Court No. 75-121954-DO 4, 5

In re Albert, 383 Mich. 722, 179 N.W.2d 20 (1970) 13

Jacobson v. *Schaefer*, 441 F.2d 127 (7th Cir. 1971) 14

Kennedy v. *Fox*, 232 F.2d 288 (6th Cir. 1956) 7-9

McAlester v. *Brown*, 469 F.2d 1280 (5th Cir. 1972) 10

Nixon v. *Fitzgerald*, 457 U.S. 731, 102 S. Ct. 2690 (1982) 10

Pierson v. *Ray*, 386 U.S. 547, 87 S. Ct. 1213 (1967) 9, 11

Seaholm v. *Seaholm*, Oakland County Circuit Court No. 74-114277-DO 4, 5

Stump v. *Sparkman*, 435 U.S. 349, 98 S. Ct 1099 (1978) 10, 11, 13, 14

Tenney v. *Brandhove*, 341 U.S. 367, 71 S. Ct. 783 (1951) 11

Wood v. *Strickland*, 420 U.S. 308, 95 S. Ct. 992 (1975) 11

Page

Statutes:

42 U.S.C.S. § 1983 (Law. Co-op. 1978 & Supp. 1983) 3, 7, 9, 11

MICH. CONST. art. VI, § 1 ..... 2, 7, 10

MICH. CONST. art. VI, § 13 ..... 2, 10

Mich. Comp. Laws Ann. § 600.916 (West 1981) 2, 4, 12

Mich. Comp. Laws Ann. § 600.1711 (West 1981) 3, 12

Court Rule:

SUP. CT. R. 17.1(a) 7, 8

No. 83-1588

IN THE

Supreme Court of the United States

October Term, 1983

VIRGINIA CRAMER,

Petitioner,

v.

STATE BAR OF MICHIGAN, JOHN D. O'HAIR, WILLIAM LEO CAHALAN, RICHARD D. KUHN, H. ROLLIN ALLEN, and All Members of the State Bar of Michigan similarly situated,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

CITATIONS TO JUDGMENTS AND OPINIONS BELOW

The Orders, Opinions and Judgments in the cases below, those being of the Oakland County Circuit Court for the State of Michigan, the United States District Court for the Eastern District, Southern Division of Michigan, and the Sixth Circuit Court of Appeals, are set forth in the Appendix to this Brief.

STATUTORY AND CONSTITUTIONAL PROVISIONS CITED

MICH. CONST. art. VI, § 1:

> "The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house."

MICH. CONST. art. VI, § 13:

> "The circuit court shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court."

Mich. Comp. Laws Ann.
§ 600.916 (West 1981):

> "It is unlawful for any person to practice law, or to engage in the law business, or in any manner whatsoever to lead others to believe that he is authorized to practice law or to engage in the law business, or in any manner whatsoever to represent or designate himself as an attorney and counselor, attorney at law, or lawyer, unless the person so doing is regularly licensed and

authorized to practice law in this state. Any person who violates the provisions of this section is guilty of contempt of the supreme court and of the circuit court of the county in which the violation occurred, and upon conviction is punishable as provided by law. This section does not apply to a person who is duly licensed and authorized to practice law in another state while temporarily in this state and engaged in a particular matter."

Mich. Comp. Laws Ann.
§ 600.1711 (West 1981):

"(1) When any contempt is committed in the immediate view and presence of the court, the court may punish it summarily by fine, or imprisonment, or both.

(2) When any contempt is committed other than in the immediate view and presence of the court, the court may punish it by fine or imprisonment, or both, after proof of the facts charged has been made by affidavit or other method and opportunity has been given to defend."

42 U.S.C.S. § 1983
(Law Co-op. 1978 & Supp. 1983):

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or

other proper proceeding for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia."

STATEMENT OF FACTS

Petitioner, VIRGINIA CRAMER, complains against Respondent, HONORABLE RICHARD D. KUHN, for actions taken by him while serving in his official capacity as Oakland County Circuit Judge.

All actions taken by Respondent HONORABLE RICHARD D. KUHN arise from two Oakland County Circuit Court for the State of Michigan cases: Those being *Horn* v. *Horn*, Case No. 75-121954-DO; and *Seaholm* v. *Seaholm*, Case No. 74-114277-DO. Both cases concerned *pro confesso* divorces in which the parties were proceeding *in pro per* using "divorce kits" supplied by the Petitioner, VIRGINIA CRAMER. Upon questioning, on the record, the parties acknowledged VIRGINIA CRAMER's assistance in their divorce proceedings which went above and beyond the mere supplying of forms.

The Circuit Court, *sua sponte*, issued an Order to Show Cause in *Seaholm*, Case No. 74-114277-DO, on April 4, 1975, ordering VIRGINIA CRAMER to appear to show cause why she should not be held in contempt of Court for the unauthorized practice of law, pursuant to Mich. Comp. Laws Ann. § 600.916 (West 1981) (A-1). This Order was duly served upon VIRGINIA CRAMER, on the same date, by means of personal service.

VIRGINIA CRAMER failed to appear on April 9, 1975, as ordered. Respondent, HONORABLE RICHARD D. KUHN, subsequently issued an Order for Bench Warrant (A-3)

on that date for VIRGINIA CRAMER's failure to appear. That Bench Warrant remained outstanding as VIRGINIA CRAMER failed to appear voluntarily and was not apprehended.

The Court, *sua sponte*, issued a second Order to Show Cause in *Horn*, Case No. 75-121954-DO, on May 8, 1975 (A-4), ordering Petitioner to appear and show cause why she should not be held in contempt for the unauthorized practice of law in that case. This Order was not personally served as VIRGINIA CRAMER would not accept service. On May 16, 1975, HONORABLE RICHARD D. KUHN issued an Order for Substituted Service (A-6). VIRGINIA CRAMER was served with the Order to Show Cause by means of substituted service on May 16, 1975.

Petitioner, VIRGINIA CRAMER, failed to appear on May 21, 1975, as ordered, and Respondent, HONORABLE RICHARD D. KUHN, issued an Order for Bench Warrant on July 24, 1975. Again, VIRGINIA CRAMER was not arrested and did not voluntarily appear before the Court (A-7).

On Friday, June 12, 1981, VIRGINIA CRAMER was taken into custody and transported to the Oakland County Jail pursuant to the outstanding Bench Warrant issued on April 9, 1975, in Case No. 74-114277-DO.

On Monday, June 16, 1981, VIRGINIA CRAMER was brought before the HONORABLE RICHARD D. KUHN, was examined by him and was released.

Petitioner, VIRGINIA CRAMER, complained in the United States District Court against Respondent, HONORABLE RICHARD D. KUHN, alleging that these acts violated her civil and constitutional rights and further alleging that the HONORABLE RICHARD D. KUHN had no jurisdiction to enter the Orders as set forth above. Petitioner prayed for Declaratory Judgment and damages.

In a Motion for Summary Judgment and Motion to Dismiss, Respondent, HONORABLE RICHARD D. KUHN, maintained that he had jurisdiction over Petitioner, VIRGINIA CRAMER, at all times relevant thereto and, further, that he was immune from suits alleging damages as all actions were taken while he was sitting in his official capacity as Oakland County Circuit Judge.

On June 30, 1982, the District Court issued an Opinion granting *inter alia*, the HONORABLE RICHARD D. KUHN's Motion to Dismiss Plaintiff's Complaint (A-8; A-20).

On July 30, 1982, Petitioner, VIRGINIA CRAMER, filed a "Motion for Rehearing and to Amend and Correct Memorandum Opinion of June 30, 1982, and to Vacate or Set Aside Dismissals".

On October 8, 1982, the District Court issued a Memorandum Opinion denying VIRGINIA CRAMER's prayer for Rehearing (A-21; A-23).

Petitioner filed an Appeal with the United States Court of Appeals for the Sixth Circuit, Case No. 82-1855. On November 21, 1983, said Court issued an Order affirming the District Court's judgment. The Order was issued as a Mandate on December 29, 1983 (A-25).

It is from these lower court decisions that Petitioner seeks relief in her Petition for Writ of Certiorari. As many issues contained within Petitioner's Petition are solely applicable to other of the Respondents, Respondent HONORABLE RICHARD D. KUHN addresses only that issue which directly addresses him and his actions.

SUMMARY OF ARGUMENT

The question presented with respect to Respondent HONORABLE RICHARD D. KUHN does not present a substantial federal question. The Court of Appeals'

decision below is not in conflict with other federal decisions but is, in fact, in accordance with other Circuit decisions as well as decisions of this Court. Supreme Court, Rule 17.1(a).

The issue concerns the absolute immunity accorded judicial officers throughout the history of American jurisprudence. The seminal American decision concerning the subject of judicial immunity is *Bradley* v. *Fisher*, 13 Wall. 335, 80 U.S. 335 (1872), wherein the Court held judges of courts of superior or general jurisdiction are not liable for civil actions for judicial actions. This doctrine has endured in the face of challenges founded upon 28 U.S.C.S. §§ 1343, 2201 and 42 U.S.C.S. § 1983. *Kennedy* v. *Fox*, 232 F.2d 288 (6th Cir. 1956).

Circuit Courts throughout the State of Michigan are expressly designated as trial courts of general jurisdiction by the Michigan Constitution, art. VI, § 1. In the instant case, Respondent, HONORABLE RICHARD D. KUHN, as a State of Michigan Circuit Court Judge, was acting solely in accordance with the general jurisdiction granted him by the Michigan Constitution.

The United States District and Sixth Circuit Appeals Courts below upheld this judicial immunity doctrine in their dismissals of the cause brought by Petitioner.

As the lower court decisions are not in conflict with other federal decisions regarding this issue and as a review of the facts and law in the instant cause would not contribute to the jurisprudence of federal decisions, Respondent, HONORABLE RICHARD D. KUHN, prays this Honorable Court deny review of the Petition for Writ of Certiorari now pending before it.

ARGUMENT

Petitioner herein prays, through her Petition for Writ of Certiorari, for review of the Judgments and Orders entered by the United States District Court for the Eastern District, Southern Division, and the Sixth Circuit Court of Appeals which dismissed the cause of action brought against Respondent, HONORABLE RICHARD D. KUHN, Oakland County Circuit Judge.

The question presented with respect to HONORABLE RICHARD D. KUHN does not present a substantial federal question for review. The District Court and Court of Appeals' decisions below are not in conflict with other federal decisions but are, in fact, in accordance with a plethora of federal decisions, including those of this Court. Supreme Court, Rule 17.1(a).

Petitioner, VIRGINIA CRAMER's claims with respect to the HONORABLE RICHARD D. KUHN, named as Respondent herein, were rightfully dismissed by the lower courts due to the absolute immunity accorded such officers throughout the history of American jurisprudence. The seminal American decision concerning the subject of judicial immunity is *Bradley* v. *Fisher*, 13 Wall. 335, 80 U.S. 335 (1872). There the Court held that judges of courts of superior or general jurisdiction are not liable to civil actions for their judicial acts, even when such acts are in excess of their jurisdiction and alleged to have been done maliciously or corruptly; see also *Kennedy* v. *Fox*, 232 F.2d 288, 290 (6th Cir. 1956).

Justice Field wrote the opinion of the Court in *Bradley* wherein he stated that:

> "A distinction must be here observed between excess of jurisdiction and the clear absence of all

> jurisdiction over the subject-matter. Where there is clearly no jurisdiction over the subject-matter any authority exercised is a usurped authority, and for the exercise of such authority, when the want of jurisdiction is known to the judge, no excuse is permissible . . . But if on the other hand a judge of a criminal court, invested with general criminal jurisdiction over offenses committed within a certain district, should hold a particular act to be a public offense, which is not by the law made an offense, and proceed to the arrest and trial of a party charged with such an act, or should sentence a party convicted to a greater punishment than that authorized by the law upon its proper construction, no personal liability to civil action for such acts would attach to the judge, although these acts would be in excess of his jurisdiction, or of the jurisdiction of the Court held by him, for these are particulars for his judicial consideration, whenever his general jurisdiction over the subject-matter is invoked." *Supra*, 13 Wall. 351, 352, 80 U.S. 351, 352 (1872).

In *Alzua* v. *Johnson*, 231 U.S. 106, 34 S. Ct. 27 (1913), the Supreme Court adhered to the doctrine of *Bradley* v. *Fisher*, *supra*, and held in an opinion prepared by Mr. Justice Holmes that the immunity of judges from all civil actions, for damages for their official acts, is so firmly established in American jurisprudence that it would be considered to have been carried into the Phillipine Islands when American Courts were established. The United States Court of Appeals for the Sixth Circuit has strongly adhered to this doctrine even in the face of attacks founded upon 28 U.S.C.S. §§ 1343, 2201 and 42 U.S.C.S. § 1983; see *Kennedy* v. *Fox*, 232 F.2d 288, 290, 291 (6th Cir. 1956); and *Pierson* v. *Ray*, 386 U.S. 547, 87 S. Ct. 1213 (1967). This principle was most recently

enunciated in the case of *Nixon* v. *Fitzgerald*, 457 U.S. 731, 102 S. Ct. 2690, 2700 (1982), wherein the Supreme Court reiterated the continued recognition of absolute immunity for all judicial acts.

The Circuit Courts throughout Michigan are expressly designated as the trial courts of general jurisdiction by the Michigan Constitution, art. VI, § 1. MICH. CONST. art. VI, § 13 gives the Circuit Courts original jurisdiction in all matters not prohibited by law. There is absolutely no question but that the Respondent HONORABLE RICHARD D. KUHN was acting solely in accordance with the general jurisdiction granted him as a Circuit Court Judge sitting in the State of Michigan.

The United States Supreme Court elucidated the principles controlling this inquiry:

> ". . . in determining whether a defendant judge is immune from suit [the necessary inquiry] is whether at the time he took the challenged action he had jurisdiction over the subject-matter before him . . . *The scope of the judge's jurisdiction must be construed broadly where the issue is the immunity of the judge.* A judge will *not* be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority, *rather he will be subjected to liability only when he has acted in the clear absence of all jurisdiction.*" (Emphasis Added) *Stump* v. *Sparkman*, 435 U.S. 349, 356, 98 S. Ct. 1099 (1978), citing *Bradley* v. *Fisher*, *supra*; see also *Crowe* v. *Lucas*, 595 F.2d 985, 989 (5th Cir. 1979); and *McAlester* v. *Brown*, 469 F.2d 1280, 1282 (5th Cir. 1972).

A judge is *absolutely* immune from liability for his judicial acts even if his exercise of authority is flawed by the commission of grave procedural errors, *Stump* v. *Sparkman, supra* at page 360; also see *Wood* v. *Strickland*, 420 U.S. 308, 95 S. Ct. 992 (1975); citing to *Tenney* v. *Brandhove*, 341 U.S. 367, 71 S. Ct. 783 (1951). Such immunity obtains in suits under the Civil Rights Act, 42 U.S.C.S. § 1983:

> "We do not believe that this settled principle of law was abolished by § 1983, which makes liable 'every person' who under color of law deprives another person of his civil rights. The legislative record gives no clear indication that Congress meant to abolish wholesale all common-law immunities. Accordingly, this Court held in *Tenney* v *Brandhove*, 341 US 367, 95 L Ed 1019, 71 S Ct 783 (1951), that the immunity of legislators for acts within the legislative role was not abolished. The immunity of judges for acts within the judicial role is equally well established, and we presume that Congress would have specifically so provided had it wished to abolish the doctrine." *Pierson* v. *Ray, supra*, at 554, 555.

The instant cause alleges that HONORABLE RICHARD D. KUHN acted without jurisdiction. As a matter of law, VIRGINIA CRAMER is incorrect in her assertion.

In both Michigan Circuit Court cases, upon recorded testimony, HONORABLE RICHARD D. KUHN was informed as to facts establishing that Petitioner herein was engaged in the unauthorized practice of law, not generally, but specifically as to parties appearing before him. The law of the State of Michigan prohibits such practice:

> "It is unlawful for any person to practice law, or engage in the law business, or in any manner

> whatsoever to lead others to believe that he is authorized to practice law or to engage in the law business, or in any manner whatsoever to represent or designate himself as an attorney and counselor, attorney at law, or lawyer, unless the person so doing is regularly licensed and authorized to practice law in this state. *Any person who violates the provisions of this section is guilty of contempt* of the supreme court and *of the circuit court of the county in which the violation occurred*, and upon conviction is punishable as provided by law. This section does not apply to a person who is duly licensed and authorized to practice law in another state while temporarily in this state and engaged in a particular matter." Mich. Comp. Laws Ann. § 600.916 (Emphasis Added)

Punishment for contempt of court is set forth in Mich. Comp. Laws Ann. § 600.1711:

> "(1) When any contempt is committed in the immediate view and presence of the court, the court may punish it summarily by fine, or imprisonment, or both.
>
> (2) When any contempt is committed other than in the immediate view and presence of the court, the court may punish it by fine or imprisonment, or both, after proof of the facts charged has been made by affidavit *or other method* and opportunity has been given to defend." (Emphasis Added)

As Petitioner herein was not present in the courtroom at the time the contempt was made known to the Court, Section (2) of the above-cited statute was employed by the Court.

Opportunity to defend was given to VIRGINIA CRAMER herein by means of Orders to Show Cause which were served. While Affidavits were not filed to establish the facts charged, the Court heard testimony as to the facts and had the Court file and record before it. Such was found to be sufficient to satisfy the statute and to establish jurisdiction in *In re Albert*, 383 Mich. 722, 179 N.W.2d 20 (1970), wherein it was stated at page 724:

> "Respondent's assertion that a contempt procedure must include a show-cause order based on an affidavit supporting the charged facts is not correct. A court's judicial notice of its own records is a wholly satisfactory 'other method' of establishing the failure or the fact of filing in a particular period — the gravamen of the charge here."

The subsequent Bench Warrants which were issued were for Petitioner's failure to appear as ordered by the Court, pursuant to the Orders to Show Cause.

It is clear that Respondent HONORABLE RICHARD D. KUHN had jurisdiction over VIRGINIA CRAMER, both when he issued the Show Cause Orders and when he issued the Orders for Bench Warrants.

VIRGINIA CRAMER refused to appear or have counsel appear on her behalf to address the Orders as set forth above. The more appropriate redress would have been through the normal appellate channels. The Supreme Court long ago noted that the doctrine of judicial immunity was designed to further the public interest in an independent judiciary, sometimes at the expense of legitimate individual grievances, *Bradley* v. *Fisher*, *supra*, at page 349.

Indeed, the Court in *Stump* recognized that the *Bradley* Court accepted those costs to aggrieved individuals

because the judicial system itself provided other means for protecting individual rights:

> "Against the consequences of Judges erroneous or irregular action, from whatever motives proceeding, the law has provided for private parties numerous remedies, and to those remedies they must, in such cases, resort." *Stump* v. *Sparkman, supra* at pp. 369, 370 citing to *Bradley* v. *Fisher, supra* at p. 354.

The *Stump* Court noted the existence of alternative forums and methods by which defendants should more properly vindicate their rights without clashing with the historical need for judicial immunity; see also *Jacobson* v. *Schaefer*, 441 F.2d 127 (7th Cir. 1971).

The policies underlying the vital necessity for according judicial officers immunity from the consequences of their judicial acts are too well established to be reiterated. As the Respondent, HONORABLE RICHARD D. KUHN, has jurisdiction over the Petitioner, VIRGINIA CRAMER, the absolute immunity accorded him could not be overcome. It was, therefore, incumbent upon the United States District Court below to dismiss VIRGINIA CRAMER's Complaint for money damages as against Respondent HONORABLE RICHARD D. KUHN.

It was in accordance with the above-stated legal principles that the Sixth Circuit Court of Appeals affirmed the District Court's dismissal.

As the decisions below in this cause are not in conflict with other federal decisions regarding this issue, as a review of the facts and law in this case would not significantly contribute to the jurisprudence of federal decisions, Respondent, HONORABLE RICHARD D. KUHN, urges this Honorable Court to deny review of the Petition for Writ of Certiorari now pending before it.

CONCLUSION

The Petition for Writ of Certiorari should be denied review as, lacking a substantial federal question, the decisions below being in accordance with other federal District, Circuit Court of Appeals and Supreme Court decisions.

Respectfully submitted,

OAKLAND COUNTY
CORPORATION COUNSEL

By: LINDA E. WASIELEWSKI,
Senior Assistant
1200 North Telegraph Road
Pontiac, Michigan 48053
(313) 858-0553
Attorney for
Richard D. Kuhn, Respondent

Dated: April 27, 1984

APPENDIX

ORDER TO SHOW CAUSE

(State of Michigan — Circuit Court —
County of Oakland)

(Linda Carol Seaholm, Plaintiff, v Terry Lee Seaholm, Defendant — No. 74-114277)

At a session of said Court, held in the Courthouse, City of Pontiac, County of Oakland, State of Michigan, on this 4th day of April, A.D. 1975

Present: The Honorable Richard D. Kuhn,
Circuit Judge

Linda Carol Seaholm having appeared In Propria Persona in the above entitled cause, and it appearing from her testimony under oath that Virginia M. Cramer has been engaged in the unauthorized practice of law;

It Is Hereby Ordered that Virginia M. Cramer appear before this Court on Wednesday, April 9, 1975 at 2:30 in the afternoon, and show cause, if any she have, why she should not be punished for the contemptuous acts more fully described as follows:

> The selling of legal advice to Linda Carol Seaholm in regard to the institution and prosecution of divorce proceedings against Terry Lee Seaholm.
>
> Said advice was first sold between July 27 and August 5, 1974, and continued on various subsequent occasions up to February of 1975.

Said advice consisted of the explanation of how to fill out forms, also sold by Virginia M. Cramer. Said forms constitute the majority, if not all, of the pleadings filed in the above entitled cause.

Additionally, Virginia M. Cramer's fee included advice on how to appear before this Court, what to say, how to serve papers, and where to file them.

It Is Further Ordered that a true copy of the Order to Show Cause be personally served on Virginia M. Cramer on or before April 5, 1975.

/s/ Richard D. Kuhn,
Circuit Judge

(Certification Omitted)

ORDER FOR BENCH WARRANT

(State of Michigan — Circuit Court —
County of Oakland)

(Linda Carol Seaholm, Plaintiff, vs. Terry Lee Seaholm, Defendant — No. 74-114277; *In The Matter Of Virginia M. Cramer*)

At a session of said Court, held in the Courthouse, City of Pontiac, County of Oakland, State of Michigan, on this 9th day of April, A.D. 1975

Present: The Honorable Richard D. Kuhn,
Circuit Judge

The Court having ordered on the 4th day of April, A.D. 1975, that Virginia M. Cramer appear before this Court on Wednesday, April 9, 1975 at 2:30 in the afternoon and show cause, if any she have, why she should not be punished for Contempt of Court;

The case having been called in open Court, and the said Virginia M. Cramer having failed to appear as ordered;

The Court having noted that the Sheriff's Return of Service was duly filed stating that Virginia M. Cramer was served with the Order to Show Cause on the 4th day of April, A.D. 1975;

It Is Hereby Ordered that a Bench Warrant be issued by the Clerk of the Court commanding the arrest of the said Virginia M. Cramer and commanding that she be brought before this Court for disposition according to law.

/s/ Richard D. Kuhn,
Circuit Judge

(Certification Omitted)

A-4

ORDER TO SHOW CAUSE

(State of Michigan — Circuit Court —
County of Oakland)

(Debra Kaye Horn, Plaintiff, v Daniel Robert Horn, Defendant — No. 75-121954DO; *In The Matter Of Virginia Cramer*)

At a session of said Court, held in the Courthouse, City of Pontiac, County of Oakland, State of Michigan, on this 8th day of May, A.D. 1975

Present: The Honorable Richard D. Kuhn,
Circuit Judge

Debra Kaye Horn having appeared in Propria Persona in the above entitled cause, and it appearing from her testimony given under oath on April 30, 1975, that Virginia Cramer has been engaged in the unauthorized practice of law;

It Is Hereby Ordered that Virginia Cramer appear before this Court on Wednesday, May 21, 1975 at 2:00 o'clock in the afternoon, and show cause, if any she have, why she should not be punished for the contemptuous acts more fully described as follows:

> The selling of legal advice to Debra Kaye Horn in regard to the institution and prosecution of divorce proceedings in the Circuit Court for the County of Oakland, against Daniel Robert Horn.
>
> Said advice was sold over a period beginning on or about February 21, 1975 and continuing to on or about April 28, 1975.
>
> The fee for said advice was $55.00, which fee was paid on or about February 21, 1975.

Said advice consisted of the explanation of what proceedings to go through to obtain a judgment of divorce in the Circuit Court for the County of Oakland.

Additionally, for the fee charged, Virginia Cramer provided Debra Kaye Horn with a typed paper constituting the "litany" which Debra Kaye Horn should recite to put in proofs for her case.

For the fee charged, Virginia Cramer also prepared all pleadings in the above entitled cause.

It Is Further Ordered that a true copy of this Order to Show Cause be personally served on Virginia Cramer on or before May 17, 1975.

/s/ Richard D. Kuhn
Circuit Judge

(Certification Omitted)

ORDER FOR SUBSTITUTED SERVICE

(State of Michigan — Circuit Court —
County of Oakland)

(Debra Kaye Horn, Plaintiff, v Daniel Robert Horn, Defendant — No. 75-121954DO; *In The Matter Of Virginia Cramer*)

At a session of said Court, held in the Courthouse, City of Pontiac, County of Oakland, State of Michigan, on this 16th day of May, A.D. 1975

Present: The Honorable Richard D. Kuhn,
Circuit Judge

The Court being advised that diligent efforts to personally serve Virginia Cramer with the Order to Show Cause filed May 9, 1975, in this cause, have been in vain as appears from the Sheriff's return;

It Is Hereby Ordered that service of said Order to Show Cause on Virginia Cramer may be had by posting a true copy of it, together with a true copy of this Order, on the front door of her residence located at 27314 Clairview, Dearborn Heights, Michigan 48127; and in addition by mailing of same to said residence by registered mail, return receipt requested.

/s/ Richard D. Kuhn,
Circuit Judge

A copy of this order served as directed on 5/16/75 at 6:55PM attached to the front door. Sheriff's Complaint #75-8368; Served by Cpl. John F. Taylor, O.C.S.D.

(*Certification Omitted*)

ORDER FOR BENCH WARRANT

(State of Michigan — Circuit Court —
County of Oakland)

(Debra Kaye Horn, Plaintiff, vs Daniel Robert Horn, Defendant — No. 75-121954DO; *In The Matter Of Virginia Cramer*)

At a session of said Court, held in the Courthouse, in the City of Pontiac, County of Oakland, State of Michigan, on this 24th day of July, A.D. 1975

Present: The Honorable Richard D. Kuhn,
Circuit Judge

The Court having ordered on the 8th day of May, A.D. 1975, that Virginia Cramer appear before this Court on Wednesday, May 21, 1975 at 2:00 o'clock in the afternoon and show cause, if any she have, why she should not be punished for Contempt of Court;

The Court having Ordered Substitute Service of the Order to Show Cause, due to the inability to obtain personal service, as is more fully shown by the file in this cause;

The file reflecting further that the Order for Substituted Service was complied with;

The case having been called in open Court on the day and date set for hearing, and the said Virginia Cramer having failed to appear;

It Is Hereby Ordered that a Bench Warrant be issued by the Clerk of the Court commanding the arrest of the said Virginia Cramer and commanding that she be brought before this Court for disposition according to law.

/s/ Richard D. Kuhn,
Circuit Judge

(*Certification Omitted*)

MEMORANDUM OPINION

(United States District Court —
Eastern District of Michigan —
Southern Division)

(Virginia Cramer, Plaintiff, v. State Bar Of Michigan, Et Al., Defendants — Civil Action No. 81-73926)

This matter is before the Court on seven motions filed by the various parties to this action. These motions are:

1) Plaintiff's motion to amend petition of removal;

2) Plaintiff's motion for entry of order to show cause with temporary enjoining order and why preliminary or permanent injunctive order should not issue;

3) Plaintiff's motion for judgment by default (against defendant H. Rollin Allen and all other members of the Michigan State Bar similarly situated);

4) Defendant State Bar of Michigan's motion for entry of order remanding case to state court;

5) Defendants Judge O'Hair and Judge Cahalan's motion to dismiss;

6) Defendant Judge Kuhn's motion to dismiss or for summary judgment; and

7) Defendants State Bar of Michigan and H. Rollin Allen's motion to dismiss or for summary judgment.

A. FACTUAL BACKGROUND

The dispute in this action arose out of the attempts of the State Bar of Michigan to enforce an injunction it obtained in 1973 which prohibited Virginia Cramer from engaging in certain acts found to be the unauthorized practice of law. In order to understand the posture of the matter now before the Court, it is necessary to sort through the flurry of pleadings submitted and set forth the chronology of events preceeding the filing of this action.

On September 27, 1972, the State Bar of Michigan filed a complaint in the Wayne County Circuit Court against Harold Graham, Michael Gordon, and Virginia Cramer, individually and d/b/a Gordon-Graham & Cramer Associates, alleging that defendants were engaged in the unauthorized practice of law in violation of MCLA § 600.916, MSA § 27A.916. *State Bar of Michigan* v. *Cramer, et al.*, Civil Action No. 72-218571-CZ. On January 5, 1973, a judgment for plaintiff and an order granting injunctive relief against defendants was entered. Virginia Cramer subsequently was found in contempt of that order a number of times, and she appealed the matter, ultimately, to the Michigan Supreme Court. The Supreme Court, in an opinion reported at 399 Mich. 116 (1976), affirmed the finding of civil contempt of April 23, 1973 and the January 5, 1973 injunctive order of Judge O'Hair of Wayne County Circuit Court.

On the motion of the State Bar of Michigan, orders to show cause why Cramer should not be held in contempt of the January 5, 1973 order were issued on February 17, 1981 by Judge O'Hair and March 13, 1981 by Judge Cahalan. Cramer failed to appear on April 24, 1981, which was the date noticed. Judge O'Hair issued a bench warrant for her arrest on April 29, 1981.

On May 5, 1981 Cramer filed a motion for a writ of mandamus with the Michigan Supreme Court, on grounds unknown to this Court. She filed a motion for a stay with the Supreme Court on May 14 and some sort of supplemental motion on May 28. On June 12, 1981, she filed a motion to quash the arrest warrant with the Supreme Court and asked for certain other relief, also unknown to the Court. Cramer has not supplied the Court with copies of these various motions, only with copies of the orders of the Supreme Court disposing of them in favor of the State Bar.

Cramer was arrested on June 12, 1981 and appeared before Judge O'Hair, who released her upon her filing a $1,000 cash bond. Judge O'Hair set a hearing on the show cause for June 17, 1981. However, since there were two outstanding warrants for her arrest issued by Judge Kuhn in Oakland County, Cramer was not released, but was transported to the Oakland County Jail, where she was kept in custody over the weekend until she could appear before Judge Kuhn on June 15, 1981.

On April 4, 1975, Judge Kuhn, an Oakland County Circuit Judge, had issued *sua sponte* an order to show cause why Cramer should not be held in contempt for the unauthorized practice of law in the case of *Seaholm* v. *Seaholm*, Civ. No. 74-114277-DO. Cramer was personally served with the order. When she failed to appear on the noticed date, Judge Kuhn issued a bench warrant on April 9, 1975. Judge Kuhn issued a second order to show cause in *Horn* v. *Horn*, Civ. No. 75-121954-DO on May 8, 1975. Cramer would not accept personal service, so the judge ordered substituted service. Cramer again failed to appear on the noticed date, so Judge Kuhn issued another bench warrant on July 24, 1975. These two cases were divorce cases before Judge Kuhn where it came to his attention that Cramer had rendered some type of assistance to the parties. Cramer appeared before Judge

Kuhn on the outstanding bench warrants on June 15, 1981. Judge Kuhn released her after examining her.

On June 17, 1981, Cramer appeared before Judge O'Hair for the hearing on the order to show cause. She questioned the jurisdiction of the court to issue the order claiming that *State Bar of Michigan* v. *Cramer* was last heard in the Michigan Supreme Court, and since the case had not been remanded, the State Bar would be required to initiate new proceedings to pursue the matter. Judge O'Hair ordered the State Bar to file an amended motion which set forth specific allegations of misconduct that it intended to prove, and adjourned the contempt hearing to August 11, 1981.

On June 26, 1981, the Michigan Supreme Court denied Cramer's complaint for mandamus and other relief. On July 13, 1981, she filed a motion to quash service of the March 13, 1981 order to show cause in Wayne County Circuit Court, claiming that the court had no jurisdiction to issue the order to show cause or the bench warrant. On July 21, 1981 Judge O'Hair sent Cramer a letter denying her motion. On July 28, 1981, the Michigan Supreme Court denied Cramer's motion for superintending control.

On August 11, 1981 Judge O'Hair found Cramer in contempt of court for violating his January 5, 1973 order, after conducting a hearing on the matter in which Cramer participated. He ordered her to pay back the money she had received from her "client" and ordered that if she violated the January 1973 order again after August 11, 1981, she would be required to spend 30 days in Wayne County Jail as a deterrent to further violations of the court's order. Cramer would not approve the proposed judgment submitted by the State Bar, so its counsel noticed a hearing on a motion for entry of

judgment for October 30, 1981. Cramer filed this federal action on October 21, 1981. None of the parties has indicated whether an order was ever entered by Judge O'Hair finding Cramer in contempt, although it is clear that he did so on the record at the hearing on the show cause on August 11.

B. PETITION FOR REMOVAL AND FEDERAL COMPLAINT

On October 21, 1981, plaintiff filed a "petition for removal" of *State Bar of Michigan* v. *Cramer, supra*. There are a number of reasons why plaintiff's attempted removal of the state action filed against her in 1972 cannot be sustained. First of all, plaintiff has not complied with the statutory requirements of 28 USC § 1446 to establish a basis for federal removal jurisdiction. Section 1446(b) requires that the state action must be removed within 30 days of the receipt of the pleading or order rendering the action removable. Plaintiff's complaint and petition for removal appear to challenge the constitutionality of the issuance of the orders to show cause why she should not be held in contempt and the bench warrants by Judges O'Hair and Kuhn. Judge O'Hair issued the bench warrant at issue on April 29, 1981. Cramer was arrested and appeared before Judge O'Hair on June 12, 1981. Judge Kuhn issued the show causes and bench warrants at issue in 1975. If for no other reason, plaintiff's attempt to remove *State Bar of Michigan* v. *Cramer* fails because of untimeliness.

However, a more basic defect exists to defeat plaintiff's attempt to remove the state action. The 1973 judgment of the Wayne County Circuit Court against her was made final by the order of remittitur entered by the Michigan Supreme Court on January 20, 1977. It is, therefore, res judicata, and this Court has no authority to review that

judgment. *Mestice* v. *McShea*, 201 F.2d 363, 364 (3d Cir. 1953). For these reasons, plaintiff's motion to amend her petition for removal will be denied.

Remand to Wayne County would be pointless, as final judgment has been entered in the 1972 action, so dismissal would be a more appropriate remedy for the improvident removal of this action. However, in addition to her petition to remove the 1972 state action, plaintiff has filed a separate complaint, captioned *Virginia Cramer* v. *The State Bar of Michigan, et al.*, in which she has made adequate assertions of federal question jurisdiction. Named as defendants in her complaint are the State Bar of Michigan, Wayne County Judges John D. O'Hair and William Cahalan, Oakland County Circuit Judge Richard D. Kuhn, H. Rollin Allen, counsel for the State Bar of Michigan, and "All Other Members of the State Bar of Michigan similarly situated." She alleges in her complaint that she was arrested and imprisoned falsely in violation of the 1st, 4th, 5th, 6th and 14th amendments and 42 USC §§ 1983, 1985 and 1986. She seeks injunctive relief and monetary damages and has demanded a jury trial.

More specifically, plaintiff claims that the Wayne County and Oakland County Courts lacked jurisdiction to order her to show cause why she should not be held in contempt and to issue bench warrants enforcing such orders. She claims they lacked jurisdiction because the Michigan Supreme Court had not remanded *State Bar of Michigan* v. *Cramer* for any further proceedings after rendering its decision in 1976. She further asserts that the orders and bench warrants were issued without probable cause. She claims that she suffered mental humiliation and anguish because of the alleged false imprisonment and rude treatment while in custody.

C. *MOTIONS TO DISMISS OR FOR SUMMARY JUDGMENT*

Since plaintiff must show a "strong or substantial likelihood or probability of success on the merits" to obtain the preliminary injunctive relief she seeks, the Court first will turn to the various defendants' motions to dismiss to determine whether they have merit. *Mason County Medical Ass'n* v. *Knebel*, 563 F.2d 256, 261 (6th Cir. 1977); *Friendship* v. *Michigan Brick*, No. 80-1018 (6th Cir. slip op. May 26, 1982). Prior to a discussion of defendant's motions, however, the Court notes that H. Rollin Allen filed a motion to dismiss jointly with the State Bar of Michigan on November 17, 1981, four days after the clerk's entry of default and only 26 days after being served with plaintiff's complaint. The Court deems this a timely responsive pleading and therefore will deny plaintiff's motion for a default judgment against Allen and will set aside the clerk's entry of default. Fed. R. Civ. P. 55(c).

1. *Judges O'Hair and Cahalan's Motion to Dismiss*

Wayne County Circuit Court Judges O'Hair and Cahalan have filed a joint motion to dismiss plaintiff's claims against them as failing to state a claim upon which relief can be granted. The judges claim that they are protected from liability to plaintiff in this action by the doctrine of judicial immunity. The Court agrees and will dismiss plaintiff's claims against these two defendants.

The doctrine of judicial immunity was thoroughly discussed in the case of *Stump* v. *Sparkman*, 435 U.S. 349 (1978), in which the Supreme Court held that a judge is immune from liability for damages only when he has acted in the "clear absence of all jurisdiction." *Id.* at 357. More specifically, the court held that:

> [T]he necessary inquiry in determining whether a defendant judge is immune from suit is determining whether at the time he took the challenged action he had jurisdiction over the subject matter before him . . . . [T]he scope of the judge's jurisdiction must be construed broadly when the issue is the immunity of the judge. A judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority; rather, he will be subject to liability only when he has acted "in the clear absence of all jurisdiction."

Id. at 356-57 citing *Bradley* v. *Fisher*, 13 Wall. 335, 351 (1872). A second consideration in determining judicial immunity is whether the judge was performing a "judicial act." The court in *Stump* v. *Sparkman* noted:

> The relevant cases demonstrate that the factors determining whether an act by a judge is a "judicial" one relate to the nature of the act itself, i.e., whether it is a function normally performed by a judge, and to the expectations of the parties, i.e., whether they dealt with the judge in his official capacity.

Id. at 362.

Like the judge in *Stump* v. *Sparkman*, Judges O'Hair and Cahalan are judges of a court of general jurisdiction of the State of Michigan. Michigan Constitution, art. 6, § 13, MCLA § 600.601. Circuit Courts in Michigan have the power to find in contempt of court parties to actions who disobey court orders, MCLA § 600.1701(5) and persons who engage in the unauthorized practice of law, MCLA § 600.916. Furthermore, courts may assert the contempt power to enforce civil remedies obtained by parties, MCLA § 600.1701(11). The State Bar of Michigan

had obtained an injunction in the previous state actions against plaintiff from Judge O'Hair in 1973, ordering plaintiff to cease the unauthorized practice of law, which was upheld by the Michigan Supreme Court. In an attempt to enforce this order, the State Bar applied to Judge O'Hair for a show cause why plaintiff should not be held in contempt of his 1973 order. This procedure was in accordance with MCLA § 600.1711 and MGCR 760, which provides as follows:

> For contempts not committed in the immediate view and presence of the court, upon a proper showing on ex parte motion supported by affidavits, the court shall either order the accused party to show cause at some reasonable time, to be therein specified, why he should not be punished for the alleged misconduct, or shall issue a bench warrant for the arrest of such party.

Issuing an order to show cause why a person should not be held in contempt and a bench warrant certainly are functions normally performed by a judge. Plaintiff clearly knew she was dealing with the defendant judges in their official capacity. The Court therefore finds that in performing the acts plaintiff complains of, Judges O'Hair and Cahalan were acting with jurisdiction and were engaged in judicial acts. Therefore, they are absolutely immune from liability arising out of plaintiff's claims and her claims against them will be dismissed.

2. Judge Kuhn's Motion to Dismiss

Like Judges O'Hair and Cahalan, Judge Kuhn is absolutely immune from liability arising out of plaintiff's claims in this case. MCLA § 600.916 provides that any person who engages in the unauthorized practice of law

is guilty of contempt of the circuit court of the county in which the violation has occurred. Because of the testimony adduced from parties appearing before him in divorce cases in his court, Judge Kuhn suspected that Cramer had violated this statute out of his presence and rightfully, and with jurisdiction under MCLA § 600.1711 and MGCR 760, issued the show causes and the subsequent bench warrants at issue. Plaintiff's claims against Judge Kuhn are without merit and will be dismissed.

3. *State Bar of Michigan and H. Rollin Allen's Motion to Dismiss or for Summary Judgment*

Both the State Bar and Allen, its attorney, claim immunity from this civil rights and false arrest action by virtue of the doctrine of sovereign immunity provided by the 11th Amendment. Indeed, the Supreme Court has held that suits for damages under 42 USC § 1983 against a state agency are prohibited by the 11th amendment. *Alabama* v. *Pugh*, 438 U.S. 781 (1978), *Quern* v. *Jordan*, 440 U.S. 332 (1979). Furthermore, there is authority supporting the State Bar's contentions that a state bar association as an integral part of a state's judicial process or as an agency of the state, cannot be sued under § 1983. *See, e.g., Coopersmith* v. *Supreme Court, State of Colorado*, 465 F.2d 993, 994 (10th Cir. 1972); *Clark* v. *State of Washington*, 366 F.2d 678, 681 (9th Cir. 1966); *Louis* v. *Supreme Court of Nevada*, 490 F.Supp. 1174, 1180 (D. Nev. 1980); *Silverton* v. *Department of Treasury*, 449 F. Supp. 1004, 1006 (C.D.Cal. 1978). However, the Court finds it unnecessary to reach the issue of whether plaintiff may maintain a § 1983 suit against the State Bar of Michigan. Assuming that defendants are amenable to suit under § 1983, an examination of plaintiff's complaint reveals that plaintiff has failed to state a claim against either the State Bar or Allen upon which relief can be granted.

Allen and the State Bar of Michigan are named in six paragraphs of plaintiff's complaint. In paragraphs 2.3 and 2.4, plaintiff asserts that "by the illegal conduct and instigation" of Allen, Judges O'Hair and Cahalan entered the illegal show cause orders which resulted in her arrest. In paragraph 2.8 she claims that such acts were groundless and malicious. In paragraphs 2.10, 2.11, and 2.13, plaintiff claims that unidentified acts of the State Bar of Michigan and its members were illegal, being in the absence of jurisdiction and willful, wanton and malicious.

Plaintiff's attack on the legality of the show cause orders and bench warrant issued by Judges O'Hair and Cahalan is based solely on her contention that the judges acted without jurisdiction. She makes no other claims of deprivation of due process or of other constitutional rights, e.g., inadequate notice or lack of a fair hearing. As has already been discussed at length, the judges and the State Bar and its counsel Allen acted to enforce an order of the court and a judgment in defendant's favor as permitted by Michigan law. Plaintiff has not shown that the show cause orders and bench warrant sought by the State Bar and Allen and issued by Judges Cahalan and O'Hair were issued erroneously. Plaintiff was arrested pursuant to a bench warrant that she has not shown was invalid. Therefore her claims of false arrest and false imprisonment must fail.

Reading her complaint in its most favorable light, plaintiff's claim against Allen is that he maliciously submitted groundless applications for show cause orders to Judges O'Hair and Cahalan which resulted in her arrest. However, plaintiff has indicated that she does not seek to pursue a claim of malicious prosecution or abuse of process in this case. (Plaintiff's response to State Bar's opposition to motion for default judgment at 17). The

wrongful acts plaintiff ascribes to Allen do not rise to the deprivation of constitutional rights alleged in her complaint. The Court finds that the facts alleged in plaintiff's complaint fail to state a claim against defendant Allen.

The Court likewise finds that plaintiff's complaint fails to state a claim against the State Bar of Michigan. Plaintiff merely accuses the State Bar of engaging in illegal acts and wanton and malicious wrongdoing without identifying any specific misconduct. Such conclusory allegations cannot survive a motion to dismiss.

4. Conclusion

In conclusion, plaintiff's motion to amend her petition for removal will be denied, as will her motion for a preliminary injunction and her motion for a default judgment. The State Bar's motion for remand will be denied because the entire federal action will be dismissed for failing to state a claim. Removal to Wayne County would be pointless, since final judgment in *State Bar of Michigan* v. *Cramer* was entered long ago. Defendants State Bar of Michigan, H. Rollin Allen, Judge O'Hair, Judge Cahalan, and Judge Kuhn's motions to dismiss will be granted. An appropriate order shall be submitted.

/s/ Ralph M. Freeman
United States District Judge

Dated: June 30, '82

(Certification Omitted)

ORDER OF DISMISSAL AS TO DEFENDANT, RICHARD D. KUHN, JUDGE OF THE SIXTH JUDICIAL CIRCUIT

(United States District Court —
Eastern District of Michigan —
Southern Division)

(Virginia Cramer, Plaintiff, v State Bar Of Michigan, et al, Defendants — Civil Action No. 81-73926)

Being fully advised in the premises and consistent with the June 30, 1982, Opinion of this Court;

It Is Hereby Ordered that Defendant, Richard D. Kuhn's, Judge of the Sixth Judicial Circuit, Motion to Dismiss is granted and Plaintiff's cause of action, therefore, Dismissed as to said Defendant.

/s/ Honorable Ralph M. Freeman
United States District Judge

Dated: 20 Jul 1982

(Certification Omitted)

MEMORANDUM OPINION

(United States District Court —
Eastern District of Michigan —
Southern Division)

(Virginia Cramer, Plaintiff, v. State Bar Of Michigan, Defendant — Civil Action No. 81-73926)

This matter is before the Court on plaintiff's motion for rehearing and to amend and correct the memorandum opinion of June 30, 1982 and to vacate and set aside dismissals. Rule 17(k) of the Local Rules of the United States District Court for the Eastern District of Michigan provides:

1. *Time*
   Any motion to alter or amend a judgment and any motion for rehearing or reconsideration shall be served not less than 10 days after entry of such judgment or order.

2. *No response and no hearing allowed*
   No response to the motion and no oral argument thereon shall be allowed unless the Court, after filing of the motion, otherwise directs.

3. *Grounds*
   Generally, and without restricting the discretion of the Court, motions for rehearing or reconsideration which merely present the same issues ruled upon by the court, either expressly or by reasonable implication, will not be granted. The movant must not only demonstrate a palpable defect by which the Court and the parties have been misled but

> also show that a different disposition of the case must result from a correction thereof.

After reviewing the motion and "supplemental matters to plaintiff's motion for rehearing, amendment of opinion and vacation of dismissals" filed by the plaintiff, the Court concludes that plaintiff's motion merely presents the same issues already ruled upon by the Court. The Court further concludes that plaintiff has failed to show a palpable defect by which the Court and the parties have been misled and that a different disposition of the case must result from a correction thereof.

Therefore, plaintiff's motion will be denied. An appropriate order shall be submitted.

/s/ Ralph M. Freeman
United States District Judge

Dated: Oct. 8, 1982

ORDER DENYING
PLAINTIFF'S MOTION FOR REHEARING

(United States District Court —
Eastern District of Michigan —
Southern Division)

(Virginia Cramer, Petitioner-Plaintiff, v The State Bar Of Michigan, et al, Defendants-Respondents — Civil Action No. 81-73926)

Being fully advised in the premises and consistent with the Memorandum Opinion rendered by this Court on October 8, 1982;

It Is Hereby Ordered that Plaintiff, Virginia Cramer's, Motion for Rehearing and to Amend and Correct the Opinion of June 30, 1982, and to Vacate and Set Aside Dismissals, is denied as to Defendant, Richard D. Kuhn, Judge of the Sixth Judicial Circuit Court of Michigan.

/s/ Honorable Ralph M. Freeman
U.S. District Court Judge

Dated: 21 Oct 1982

(Certification Omitted)

ORDER

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION
Sixth Circuit Rule 24 limits citation to specific situations. Please see Rule 24 before citing in a proceeding in a court in the Sixth Circuit. If cited, a copy must be served on other parties and the Court.
This notice is to be ***prominently*** *displayed if this decision is reproduced.*

(United States Court of Appeals
for the Sixth Circuit)

(Filed November 21, 1983)

(Virginia Cramer, Plaintiff-Appellant, v. State Bar Of Michigan; John D. O'Hair; William Leo Cahalan; Richard D. Kuhn; H. Rollin Allen, All Members Of The State Bar Of Michigan, Defendants-Appellees — No. 82-1855)

Before: Keith and Contie, Circuit Judges;
and Potter*, District Judge

This appeal has been referred to a panel of the Court pursuant to Rule 9(a), Rules of the Sixth Circuit. After examination of the record and briefs, this panel agrees unanimously that oral argument is not needed. Rule 34(a), Federal Rules of Appellate Procedure.

Plaintiff appeals the district court judgments entered July 6, 12 and 20, 1982, which dismissed plaintiff's action against all the named defendants. In the proceedings below, the district court found plaintiff's allegations of a civil rights violation to be without merit and also denied the injunctive relief sought by plaintiff. Having carefully examined the record and briefs, this Court concludes the district court did not err in its disposition of this case.

---

* The Honorable John W. Potter, District Judge, Northern District of Ohio, sitting by designation.

For the reasons stated in the district court memorandum opinion filed July 1, 1982, as amended October 12, 1982, it is Ordered that the judgments of the district court be, and they hereby are, affirmed pursuant to Rule 9(d)(2), Rules of the Sixth Circuit.

Entered By Order Of The Court

John P. Hehman,
Clerk

Issued As Mandate: December 29, 1984 [*sic*, 1983]
Costs: None

(*Certification Omitted*)